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# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Third Year of the Reign of His Majesty  
KING GEORGE V.,

Being the Second Session of the Thirteenth  
Legislature of Ontario,

1913.

BEGUN AND HOLDEN AT TORONTO ON THE FOURTH DAY OF FEBRUARY IN THE YEAR OF OUR  
LORD ONE THOUSAND NINE HUNDRED AND THIRTEEN



12935-9  
2219/13

HIS HONOUR  
SIR JOHN MORISON GIBSON, K.C.M.G.,  
LIEUTENANT-GOVERNOR.

TORONT):

PRINTED AND PUBLISHED BY L. K. CAMERON

Printer to the King's Most Excellent Majesty.

1913



Printed by  
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TORONTO



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## 3-4 GEORGE V.

### CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending on the 31st day of October, 1913, and for the public service of the financial year ending the 31st day of October, 1914.

*Assented to 6th May, 1913.*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from His Honour Preamble.

Sir John Morison Gibson, Knight Commander of the most Distinguished Order of St. Michael and St. George, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending on the 31st day of October, 1913, and for the financial year ending the 31st day of October, 1914, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

**1.** From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole four million eight hundred and ninety-three thousand eight hundred and forty nine dollars and twenty-two cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of November, 1912, to the thirty-first day of October, 1913, as set forth in Schedule "A" to this Act. \$4,893,849.22 granted for year ending 31st October, 1913.

**2.** From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding \$9,494,387.66 granted for fiscal year 1913-14.

-ceeding

ceeding in the whole nine million four hundred and ninety-four thousand three hundred and eighty-seven dollars and sixty-six cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1913, to the thirty-first day of October, 1914, as set forth in Schedule "B" to this Act.

Accounts to  
be laid  
before  
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1912-1913 and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1913-1914 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for  
1912-1913  
unexpended.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1913, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* as amended by the Act passed in the ninth year of the reign of His late Majesty, King Edward the Seventh, Chaptered Eleven, intituled *An Act respecting the Fiscal Year*, shall on the first day of December following lapse and be written off.

Appropriations for  
1913-1914  
unexpended,  
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1914, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall on the first day of December following lapse and be written off.

Accounting  
for expenditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.



## SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirteen, and the purposes for which they are granted:—

## CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's office ..	\$300 00	
Office of the Prime Minister and President of the Council . . . . .	450 00	
Attorney-General's Department	2,855 00	
Education Department . . . . .	1,590 00	
Lands, Forests and Mines Department . . . . .	6,925 00	
Public Works Department . . .	17,680 00	
Treasury Department . . . . .	3,500 00	
Audit Office . . . . .	650 00	
Provincial Secretary's Department . . . . .	20,130 00	
Department of Agriculture ..	2,900 00	
Factory Inspection Branch . . .	2,750 00	
Stationary Engineers . . . . .	100 00	
Miscellaneous . . . . .	2,300 00	
	<hr/>	\$62,130 00

## LEGISLATION.

To defray expenses of Legislation . . . . .	\$14,750 00
---	-------------

## ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice . . . . .	\$38,674 44
---	-------------

## EDUCATION.

To defray expenses of:—	
Public and Separate School Education . . . . .	\$79,122 14
Normal and Model Schools, Toronto . . . . .	252 25
Normal and Model Schools, Ottawa . . . . .	1,390 04
Normal and Model Schools, London . . . . .	500 00

Normal

Normal School, Stratford . . . .	25 00	
Normal School, North Bay .	206 00	
High Schools and Collegiate Institutes . . . . .	700 00	
Departmental Library and Mus- eum . . . . .	2,389 28	
Public Libraries, Art Schools, Historical, Literary and Scientific Societies . . . . .	788 89	
Technical Education . . . . .	7,000 00	
Provincial University and Mining Schools . . . . .	4,263 39	
Maintenance Education De- partment and Miscellan- eous . . . . .	1,850 00	
Institution for Deaf and Dumb, Belleville . . . . .	1,636 00	
Blind Institute, Brantford . .	4,285 00	
		\$104,407 99

## PUBLIC INSTITUTIONS, MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brock- ville . . . . .	12,760 00	
Hospital for Insane, Cobourg.	1,050 00	
Hospital for Insane, Hamilton	17,850 00	
Hospital for Insane, Kingston	6,840 00	
Hospital for Insane, London .	11,770 00	
Hospital for Insane, Mimico .	4,420 00	
Hospital for Feeble-Minded, Orillia . . . . .	2,600 00	
Hospital for Insane, Penetan- guishene . . . . .	1,225 00	
Hospital for Insane, Toronto.	14,430 00	
Hospital for Epileptics, Wood- stock . . . . .	2,275 00	
Central Prison, Toronto . . . .	5,500 00	
Central Prison Industries . . . .	100 00	
Mercer Reformatory, Toronto.	20 00	
		\$80,840 00

## AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture . . . . .	\$26,113 50
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immi- gration . . . . .	\$18,000 00
	HOSPITALS

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	\$23,800 00
---	-------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House .....	\$117 90
Parliament and Departmental Buildings . . . . .	23,970 00
	<hr/>
	\$24,087 90

## PUBLIC BUILDINGS.

New Government House .....	\$150,000 00
Parliament Buildings .....	169,700 00
No. 5 Queen's Park .....	1,500 00
No. 4 Queen's Park .....	1,500 00
Osgoode Hall .....	12,079 00
Public Institutions:—	
Hospital for Insane, Brockville	76,000 00
Hospital for Insane, Cobourg.	2,200 00
Hospital for Insane, Hamilton	28,500 00
Hospital for Insane, Kingston	32,700 00
Hospital for Insane, London..	51,100 00
Hospital for Insane, Mimico .	27,800 00
Hospital for Feeble Minded, Orillia . . . . .	87,000 00
Hospital for Insane, Penetanguishene . . . . .	23,000 00
Hospital for Insane, Toronto .	3,400 00
Hospital for Epileptics, Woodstock . . . . .	11,000 00
Central Prison, Toronto .....	151,500 00
Mercer Reformatory, Toronto.	3,400 00
Educational:—	
Normal and Model Schools, Toronto . . . . .	515 15
Normal and Model School, Ottawa . . . . .	3,562 00
Normal School, London .....	550 00
Normal School, Hamilton ....	3,250 00
Normal School, Peterborough .	2,075 00
Normal School, Stratford ....	3,850 00
English-French Training School, Sandwich .....	3,769 00
Deaf and Dumb Institute, Belleville . . . . .	112,825 00

Institution for the Blind, Brantford . . . . .	94,600 00
Normal Schools, Ottawa, London, Hamilton, Stratford, Peterborough and North Bay	3,500 00
Ontario Agricultural College .	35,400 00
Experimental Farm, Jordan Harbour . . . . .	6,100 00
Ontario Veterinary College . .	65,000 00
Colonization and Immigration Buildings . . . . .	2,300 00
Miscellaneous . . . . .	6,500 00
Districts:—	
Muskoka . . . . .	1,625 00
Parry Sound . . . . .	300 00
Sault Ste. Marie . . . . .	20,000 00
Thunder Bay . . . . .	5,000 00
Rainy River . . . . .	20,900 00
Nipissing . . . . .	600 00
Sudbury . . . . .	987 00
Kenora . . . . .	7,675 00
Temiskaming . . . . .	38,000 00

---

Total Public Buildings . . . . . \$1,271,262 15

## PUBLIC WORKS.

To defray expenses of Public Works . . . . . \$132,900 00

## COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs . . . . . \$348,852 30

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands . . . . . \$18,968 50

## REFUNDS.

Lands, Forests and Mines . . . .	\$95,000 00	
Land Improvement Fund . . . .	1,198 12	
		<hr/> \$96,198 12

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure . . . . . \$2,632,864 32

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Total Estimates for Expenditure of 1912-  
1913 . . . . . \$4,893,849 22

SCHEDULE



## SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and fourteen, and the purposes for which they are granted:—

## CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office ..	\$5,050 00	
Office of the Prime Minister and President of the Council	8,600 00	
Attorney-General's Department.	70,530 00	
Education Department .....	33,150 00	
Lands, Forests and Mines Department . . . . .	150,150 00	
Public Works Department ...	102,140 00	
Treasurer's Department .....	40,479 00	
Audit Office .....	20,150 00	
Provincial Secretary's Depart- ment . . . . .	214,000 00	
Department of Agriculture ...	78,775 00	
Factory Inspection Branch ...	26,600 00	
Stationary Engineers .....	6,950 00	
Miscellaneous . . . . .	21,450 00	
		\$778,024 00

## LEGISLATION.

To defray the expenses of Legislation .....

\$299,350 00

## ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of  
Justice . . . . .

\$741,359 66

## EDUCATION.

To defray expenses of:—

Public and Separate School Education . . . . .	\$1,250,250 00
Normal and Model Schools, Toronto . . . . .	50,142 00
Normal and Model Schools, Ottawa . . . . .	49,120 00
Normal School, London .....	27,215 00

Normal

Normal School, Hamilton . . . .	23,135 00	
Normal School, Peterborough.	23,705 00	
Normal School, Stratford . . .	22,730 00	
Normal School, North Bay ..	31,040 00	
High Schools and Collegiate Institutes . . . . .	171,500 00	
Departmental Library and Museum . . . . .	21,903 00	
Public Libraries, Art Schools, Historical, Literary and Scientific Societies . . . . .	74,100 00	
Technical Education . . . . .	148,200 00	
Superannuated Public and High School Teachers . . . .	60,650 00	
Provincial University and Min- ing Schools . . . . .	42,200 00	
Maintenance Education De- partment and Miscellaneous.	29,674 00	
Institution for Deaf and Dumb, Belleville . . . . .	66,475 00	
Blind Institute, Brantford . . .	47,802 00	
		<hr/> \$2,139,841 00

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brockville	\$145,692 00	
Hospital for Insane, Cobourg.	31,360 00	
Hospital for Insane, Hamilton	207,620 00	
Hospital for Insane, Kingston	130,960 00	
Hospital for Insane, London ..	186,420 00	
Hospital for Insane, Mimico..	124,315 00	
Hospital for Feeble Minded, Orillia . . . . .	109,882 00	
Hospital for Insane, Penetan- guishene . . . . .	71,430 00	
Hospital for Insane, Toronto..	177,812 00	
Hospital for Epileptics, Wood- stock . . . . .	47,731 00	
Central Prison, Toronto . . . .	88,740 00	
Central Prison Industries . . . .	103,950 00	
Mercer Reformatory, Toronto..	37,700 00	
		<hr/> \$1,463,612 00

## AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture . . . . .	\$731,936 00
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration . . . . .	\$122,600 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities . . . . .	\$410,600 00
---	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House . . . . .	\$30,050 00	
Parliament and Departmental Buildings . . . . .	141,970 00	
	<hr/>	\$172,020 00

## PUBLIC BUILDINGS.

Government House . . . . .	\$100,000 00
Parliament Buildings . . . . .	300 00
Osgoode Hall . . . . .	16,800 00
Public Institutions . . . . .	353,600 00
Educational . . . . .	89,300 00
Agriculture . . . . .	191,000 00
Districts . . . . .	165,500 00
Miscellaneous . . . . .	125,000 00
	<hr/>
	\$1,041,500 00

## PUBLIC WORKS.

To defray expenses of Public Works . . . . .	\$83,200 00
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## COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs . . . . .	\$129,000 00
--	--------------

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands . . . . .	\$679,560 00
--	--------------

## REFUNDS

## REFUNDS.

Education . . . . .	\$1,500 00	
Lands, Forests and Mines . . . .	25,000 00	
Miscellaneous . . . . .	30,000 00	
Succession Duty . . . . .	36,000 00	
	<hr/>	\$92,500 00

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure . . . . .	\$609,345 00
<hr/>	
Total Estimates for Expenditure of 1913- 1914 . . . . .	\$9,494,387 66

## CHAPTER 2.

## An Act respecting the Revision and Consolidation of the Statutes of Ontario

*Assented to 6th May, 1913.*

**W**HEREAS by a Commission issued by the Lieutenant-Preamble.

Governor in Council, dated the 23rd day of June, 1906, the Honourable Featherston Osler, one of the Justices of the Court of Appeal; the Honourable Sir William Ralph Meredith, Chief Justice of the Common Pleas; the Honourable James Thompson Garrow, one of the Justices of the Court of Appeal; the Honourable William Purvis Rochfort Street, one of the Judges of the King's Bench; the Honourable James Vernal Teetzel, one of the Judges of the Common Pleas; the Honourable Francis Alexander Anglin, one of the Judges of the Exchequer Division; the members of the Executive Council of the Province of Ontario and Alexander Grant Mackay and Allan Malcolm Dymond, Esquires, of His Majesty's counsel, learned in the law, were appointed Commissioners for the purpose of consolidating the Public Statutes of this Province and the said Featherston Osler was appointed Chairman and the said Allan Malcolm Dymond, Secretary of the Commission; and whereas the Honourable James Pitt Mabee, one of the Judges of the Chancery Division of the High Court, and His Honour Colin G. Snider, Judge of the County Court of the County of Wentworth, were by a further Commission, issued by the Lieutenant-Governor in Council bearing date the 26th day of September, 1906, also appointed Commissioners for the purpose aforesaid, and associated as such with the Commissioners named in the first mentioned Commission; and whereas by a further Commission issued by the Lieutenant-Governor in Council, dated the 7th day of December, 1906, reciting the said Commissions and the report of the Honourable the Attorney General that for the reasons therein mentioned it was advisable to enlarge the powers conferred upon the Commissioners, the Commissioners appointed as aforesaid were directed to prepare a draft revision of the Public Statutes of the Province and to report to His Honour the Lieutenant-Governor in Council  
such

such changes from time to time in any Act as the Commissioners deemed advisable having regard to the improvement of the wording and arrangement of the Statutes and the elimination therefrom of such matter as the Commissioners might deem obsolete, unsuitable or useless, and to submit such changes as the Commissioners might deem advisable in the public interest; and whereas the said the Honourable William Purvis Rochfort Street and the Honourable James Pitt Mabee subsequently departed this life; and whereas the said Commissioners have not completed the revision and consolidation of the said Statutes, but will complete the same at an early date; and whereas it is in the public interest that the said revision and consolidation should as soon as practicable and prior to the holding of another Session of this Legislature be authorized and issued as the Revised Statutes of Ontario; and whereas the Commissioners have from time to time reported various Acts and Statutes as revised and consolidated by them and the same as so revised and consolidated have been adopted and passed by this Legislature preparatory to the final report of the said Commissioners and the completion of the said consolidation.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Printed roll  
to be  
deposited  
with Clerk  
of Legis-  
lative  
Assembly.

1. So soon as the Commissioners shall report in writing signed by a majority of them, and by the Chairman, the completion of the said revision and consolidation, including therein the public and general Acts passed since the 23rd June, 1906, including those passed during the present Session, the Lieutenant-Governor may cause a printed roll thereof attested under his signature and countersigned by the Provincial Secretary to be deposited in the office of the Clerk of the Assembly.

Schedule  
of Acts  
repealed.

2. There shall be appended to the roll a schedule similar in form to Schedule A appended to *The Revised Statutes of 1897*, showing the Acts and parts of Acts which are embodied in the said roll and showing in the third column thereof the extent to which the Acts and parts of Acts in the Schedule are from the time of the coming in force of the Revised Statutes contained in the said roll to be repealed; and the Commissioners may include in the said Schedule all Acts and parts of Acts which, though not expressly repealed, were superseded by the Acts so consolidated, or are inconsistent therewith, and all parts of such Acts which were for a temporary purpose the force of which is spent.



3. The Commissioners in consolidating the said Statutes may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature, or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors; the Commissioners may also direct that any of the enacting clauses in the statutes may be printed in bourgeois type, and that any of the sections which in the Revised Statutes of 1897 are in bourgeois type may be printed among the enacting clauses.

Powers of commissioners as to alterations.

4. The Lieutenant-Governor in Council after the deposit of the roll may by proclamation declare the day from and after which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1914."

Proclamation declaring Statutes in force.

5. On and from such day the same shall accordingly come into force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and from such day; and on and from the same day all the enactments in the several Acts and parts of Acts in the said Schedule mentioned shall so far as they relate to this Province stand and be repealed to the extent mentioned in the third column of the Schedule save only as hereinafter is provided.

Effect of proclamation.

6. Such repeal shall not be construed as intended to extend to such of the provisions of the Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject, however, to section 8 of this Act.

Repeal not to extend to Acts over which the Dominion Parliament has jurisdiction.

7. The repeal of the Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the repeal prevent the effect of any saving clause in the Acts and parts of Acts or the application of any of the Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to transactions, etc., anterior to the repeal.

8.—(1) The repeal of the Acts and parts of Acts shall not affect

Certain matters anterior to the repeal not to be affected by it. Penalties, etc.

(a) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal.

(b)

Actions, etc.

- (b) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal.

Acts, deeds, rights, etc.

- (c) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal.

Offices, etc.

- (d) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal.

Marriages, etc.

- (e) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,

And other matters, etc.

- (f) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal.

But the same shall remain valid, etc.,

- (2) But every such

- (a) Penalty, forfeiture and liability,  
 (b) Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding, matter or thing,  
 (c) Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing,  
 (d) Office, appointment, commission, salary, allowance, security, and duty,  
 (e) Marriage, certificate and registry thereof, and  
 (f) Every such other matter and thing, and the force and effect thereof,

and may be enforced, etc., and under what laws.

may and shall remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the Revised Statutes and other the statutes and laws having force

force in this Province, so far as applicable thereto, and subject to the provisions of the several statutes and laws.

**9.**—(1) The Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law as contained in the Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted, and the Legislature is not to be deemed to have adopted the construction which may by judicial decision, or otherwise, have been placed upon the language of any of the statutes included amongst the Revised Statutes.

Revised Statutes not to be deemed new laws.

(2) The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Acts and parts of Acts so repealed, shall, where they are the same in effect as those of the Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into effect.

How construed where the same in effect as the repealed Acts.

(3) If upon any point the provisions of the Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions matters and things subsequent to the time when the Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

How construed if in any case they differ from the repealed Acts.

(4) The marginal notes and headings in the body of the Revised Statutes and references to former enactments, and sections printed in bourgeois type which may appear thereon, shall be held to form no part of the said Statutes but to be inserted for convenience of reference only.

Marginal note and headings.

**10.** Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

As to references to repealed Acts in former Acts, etc.

**11.** The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

As to effect of insertion of an Act in schedule A.

Copies  
printed by  
King's  
Printer to  
be evidence.

**12.** Copies of the said Revised Statutes, printed by the King's Printer from the roll so deposited, shall be received as evidence of the said Revised Statutes in all Courts and places whatsoever.

As to distri-  
bution of  
copies.

**13.** The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct.

This Act to  
be printed  
with Revised  
Statutes.

**14.** This Act shall be printed with the Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

How they  
may be  
cited.

**15.** Any chapter of the Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "*The Revised Statute respecting—*" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "*The Revised Statutes of Ontario, 1914, chapter* " (adding the number of the particular chapter in the copies printed by the King's Printer).

## CHAPTER 3.

An Act respecting the Public Service  
of Ontario*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

"Civil servant."

"Department."

"Minister."

"Public service."

OFFICERS OF ASSEMBLY; APPLICATION OF ACT TO, s. 3.

OSGOODE HALL, OFFICES AT, APPLICATION OF ACT TO, s. 4.

DISQUALIFICATION,  
Members of Dominion Parliament, s. 5.

APPOINTMENT, DIRECTION AND CONTROL, ss. 6-8.

Appointments by Lieutenant-Governor in Council, s. 6.

Regulations for, s. 7 (1).

Classification,

Salary,

Qualifications,

Hours,

Conduct,

To be laid before Assembly, s. 7 (2).

Appointment where no salary voted, s. 8.

TEMPORARY CLERKS,

Appointment by the Minister, ss. 10-14.

Term of appointment, s. 9 (2).

DEPUTY HEADS OF DEPARTMENTS, s. 10.

REMUNERATION, ss. 11-14.

No compensation for extra services, s. 11.

Statutory salaries not affected, s. 12.

Aid of clerks from other Departments, s. 13.

Minister to report as to clerks, s. 14.

ATTACHMENT OF SALARIES, s. 15.

OATHS OF OFFICE, s. 16.

LEAVE OF ABSENCE, s. 17.

GRATUITIES, s. 18.

SALARIES AND INCREASES, s. 19 (1).

Retrospective application of section, s. 17 (2).

SAVING AS TO OTHER ACTS, s. 20.

REPEAL, s. 21.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as *The Ontario Public Service Act*.  
R.S.O., 1897, c. 15, s. 1.

## INTERPRETATION

## INTERPRETATION.

Interpretation.

**2.** In this Act;

"Civil servant."

(a) "Civil Servant" shall mean an officer, clerk or servant employed in a department;

"Department."

(b) "Department" shall mean a department, branch office or service in the civil service at the seat of Government at Toronto;

"Minister."

(c) "Minister" shall mean the Member of the Executive Council for the time being presiding over a department or charged with administration of any Act or regulation respecting an office in the Public Service;

"Public service."

(d) "Public Service" shall include every department and every office, clerkship or service at the nomination of the Crown, as representing the Province of Ontario, wherever held or performed.

(New.) (See R.S.O., 1897, c. 15, s. 2; 61 V., c. 7, s. 1.)

Application of Act to officers, etc., of Assembly.

**3.** Saving always the legal rights and privileges of the Assembly as respects the appointment or removal of its officers, clerks or servants, this Act shall apply to the permanent officers, clerks and servants of the Assembly, and for the purposes hereof such officers, clerks and servants shall constitute a department. R.S.O., 1897, c. 15, s. 37, *amended*.

Application to offices at Osgoode Hall.

**4.—(1)** For the purposes of this Act, the offices of the Courts, and the offices of the Master of Titles, Surrogate Clerk, and of the Inspector of Legal Offices and the Stamp Office at Osgoode Hall, shall be deemed to be a department, and shall be presided over by the Attorney-General of Ontario, and the person having for the time being the conduct of the business of any such office shall have and perform with respect thereto the powers and duties under this Act of a deputy head of a department.

Saving as to authority of courts.

(2) Nothing herein shall impair or interfere with the authority or control of the Courts and Judges over their officers. R.S.O., 1897, c. 15, s. 32, *amended*.

## DISQUALIFICATION.

Members of Dominion Parliament not to hold permanent office at salary.

**5.** A member of the Parliament of Canada shall not be appointed to or hold any permanent office or employment in the service of the Government of Ontario at the nomination of the Crown, to which a salary or other emolument in lieu



of salary is attached, but this shall not apply to the offices of justice of the peace, coroner or notary public or to any like office. R.S.O., 1897, c. 15, s. 5, *amended*.

#### APPOINTMENTS, DIRECTION AND CONTROL.

6. The Lieutenant-Governor in Council upon the recommendation of the Minister may appoint such officers, clerks and servants in any department as may be deemed requisite or as may be provided for by statute or by any regulation made thereunder. *New. See R.S.O. 1897, c. 15, s. 6.*

7. (1) The Lieutenant-Governor in Council may make regulations

(a) For the classification of the civil servants in any department and prescribing the duties to be performed by them; Appointments by Lieutenant-Governor in Council.

(b) For fixing the maximum and minimum salary or other remuneration to be paid to civil servants in any department; Salary.

(c) For determining the qualifications, knowledge, skill or experience to be required before appointment to any office, clerkship or service in a department; Qualifications.

(d) For fixing the hours of service in any department; Hours.

(e) For regulating the conduct of civil servants and for imposing penalties by fine, suspension or otherwise for breach of such regulations, or for any misconduct or negligence on the part of civil servants. *New. (See R.S.O., 1897, c. 15, s. 35.)* Conduct.

(2) Every regulation made under this section shall be laid before the Assembly forthwith, and if the Assembly is not then in session, within one week after the commencement of the next session. *New. (See R.S.O., 1897, c. 15, s. 19.)* To be laid before Assembly.

8. Upon the report of the Minister that it is necessary that an officer, clerk or servant shall be permanently employed in a department, but that no salary or other remuneration has been voted by the Assembly for that purpose, the Lieutenant-Governor in Council may make the appointment and may fix the salary or remuneration to be paid and the same

shall

shall be payable out of the Consolidated Revenue Fund until the end of the then next Session of the Legislature. *New.*

#### TEMPORARY CLERKS.

When temporary clerks to be appointed.

**9.** (1) Whenever owing to the increase of business in any department, or to any additional work having been authorized by the Lieutenant-Governor in Council to be performed in a department, or by any person specially appointed for that purpose, it is deemed necessary that an officer, clerk or servant shall be employed temporarily in a department, the Minister may make such appointment, and every officer, clerk or servant so appointed shall receive such remuneration as may be fixed by order in council and such remuneration may be paid out of the moneys voted for the contingencies of the department or out of any moneys appropriated by the Legislature for the work or service.

Term of appointment.

(2) An appointment under this section shall not be made for a longer period than three months, and at the expiration of that period may be renewed for a further term not exceeding three months and thereafter from time to time for a like period as the Minister may direct. *See 9 Edw. VII., c. 4, s. 2.*

#### DEPUTY HEADS OF DEPARTMENTS.

Who to be deputy heads.

**10.** (1) The following officers shall be respectively the deputy heads of the departments to which they are attached:

The Deputy Attorney-General,  
 The Deputy Minister of Education,  
 The Deputy Minister of Lands and Forests,  
 The Deputy Minister of Mines,  
 The Assistant Provincial Secretary,  
 The Deputy Minister of Public Works,  
 The Deputy Minister of Agriculture,  
 The Provincial Auditor,  
 The Assistant Treasurer,  
 The Clerk of the Executive Council,  
 The Clerk of the Legislative Assembly,  
 The Superintendent of Insurance,  
 The Registrar of Loan Corporations,  
 The Chief Clerk of the office of the President of the Council,

Temporary absence or vacancy.

(2) Where the deputy head of a department is absent or there is a vacancy in the office, the powers and duties of the deputy head shall be exercised and performed by such officer or clerk in the department as may be designated by the Minister. *R.S.O., 1897, c. 15, s. 17, amended.*

(3) The deputy head of a department shall have the general control of his department and shall have such other powers and perform such duties as may be assigned to him by the Lieutenant-Governor in Council and shall oversee and direct the other officers, clerks and servants of the department and in the absence of the Minister and during such absence may suspend from employment any such officer, clerk or servant who refuses or neglects to obey his directions as such deputy. R.S.O. 1897, c. 15, s. 18, *amended*. <sup>Powers and duties.</sup>

**11.** No allowance or compensation shall be made for any extra service whatsoever which any civil servant or any officer clerk or servant employed in the public service may be required to perform in the department to which he belongs, but nothing herein shall prevent the payment of remuneration for special services in addition to his ordinary duties rendered or performed by any civil servant or any officer, clerk or servant employed in the public service by the written direction or at the written request of the Minister. R.S.O., 1897, c. 15, s. 21; 6 Edw. VII., c. 19, s. 8. *Amended*. <sup>No compensation for extra services.</sup>

**12.** Nothing in this Act shall affect any salary or emolument granted or fixed by any statute. R.S.O., 1897, c. 15, s. 22. *Amended*. <sup>Statutory salaries not affected.</sup>

**13.** Whenever the staff of any department cannot adequately perform the duties required in an emergency, the deputy head of the department may require from the deputy head of any other department the temporary service of any clerk or servant who is not then actively engaged in his own department, but no additional remuneration shall be paid therefor. R.S.O., 1897, c. 15, s. 24. <sup>Aid of clerks from other departments.</sup>

**14.** Every Minister shall furnish to the Lieutenant-Governor in Council at such times as he may direct, reports upon the conduct and efficiency of the civil servants employed in his department. R.S.O., 1897, c. 15, s. 25. <sup>Ministers to report as to clerks.</sup>

#### ATTACHMENT OF SALARIES OF CIVIL SERVANTS.

**15.** (1) Where a debt or money demand, not being strictly a claim for damages, is due and owing to any person from a civil servant, either on a judgment or otherwise, and a debt is due and owing from the Crown to such civil servant, the person to whom the first mentioned debt or money demand is so due and owing (hereinafter designated the creditor) may recover in the manner herein provided any debt due or owing to the civil servant from the Crown, or sufficient thereof to satisfy the claim of the creditor, subject always to the rights of other parties to the debt owing from the Crown. <sup>Creditor may garnish money owing by Crown to civil servant.</sup>

Notice to  
Treasurer.

(2) The creditor may serve a notice personally on the Treasurer or on the Assistant Treasurer, or on some other officer appointed by the Treasurer to receive the same, specifying the nature of the claim, and shewing the name and residence of the civil servant and the nature of his occupation; and the service of such notice upon the Treasurer, Assistant Treasurer or other officer shall have the effect, subject to the rights of other persons, of attaching and binding in the hands of the Treasurer all debts then owing from the Crown to the civil servant, or sufficient thereof to satisfy the claim of the creditor, to the same extent as a garnishing or attaching order issued by or from a court of law.

Effect of  
notice.

Treasurer  
to retain  
money due.

(3) After service of the notice the Treasurer shall, when the creditor's claim is a judgment, retain all moneys then owing from the Crown to the civil servant, or sufficient thereof to satisfy the judgment, and a payment into Court or to the creditor, or where an execution is in the hands of a sheriff or bailiff, to the sheriff or bailiff, of the amount due to the civil servant, or of the amount due and costs unsatisfied on the judgment, shall be a discharge to that extent of the debt owing from the Crown to the employee.

Dispute  
notice.

(4) Where judgment has not been recovered for the claim, the creditor, besides serving the notice provided by subsection 2, shall also serve a copy of such notice on the civil servant, together with a memorandum requiring the civil servant if he disputes the claim to file a disputing note with the Treasurer within ten days from the date of service.

Where no  
dispute  
notice  
filed.

(5) If no disputing note is filed, the Treasurer, on being satisfied that notice has been served on the civil servant, shall retain any moneys due and owing to such civil servant and pay the same or a sufficient part thereof to satisfy the creditor's claim, subject to the provisions of subsection 8.

Where  
dispute  
note filed.

(6) If a note disputing the claim is filed, the Treasurer may with the consent of all parties determine whether any and what sum (if any) is due by the civil servant to the creditor upon the claim, or he may require the creditor to bring an action therefor against the civil servant, and in such case he shall retain any moneys due and owing to the civil servant or sufficient thereof to pay any claim and costs which may be recovered in the action to abide the result of the action provided such action is promptly prosecuted to judgment.

Treasurer  
to keep  
attachment  
book.

(7) There shall be kept in the Treasury Department an attachment book, in which shall be entered the names of parties, the dates of service of notices, the statement of

claim

claim, and the amount, if any, due and owing to the civil servant at the time of service.

(8) This section shall not apply to any debt contracted before the 17th day of January, 1898, nor where the amount due to the civil servant does not exceed \$25, nor if such amount exceeds \$25 beyond the amount of such excess, nor to any debt not contracted for board or lodging which does not exceed \$25.

(9) Nothing in this section shall authorize the bringing or maintaining of a suit against the Crown or the Treasurer without the fiat of the Attorney-General first had and obtained in accordance with the present practice. 61 V., c. 7.

#### OATHS OF OFFICE.

**16.**—(1) Every civil servant shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Executive Council the Oath of Allegiance and a Solemn Declaration in the following form:

"I (A.B.) solemnly and sincerely declare that I will faithfully and honestly fulfil the duties which devolve upon me as and that I will not ask or receive any money, service or recompense, or matter, or thing whatsoever, directly or indirectly, in return for what I shall have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Lieutenant-Governor in Council."

(2) The Clerk of the Executive Council shall keep a register of such oaths. R.S.O., 1897, c. 15, s. 36, and Sched.

#### LEAVE OF ABSENCE.

**17.**—(1) A Minister may grant to any civil servant employed in his department, or to any officer, clerk or servant employed in the public service under his direction or control, leave of absence for recreation for any period not exceeding three weeks in any one year, or on account of sickness or other pressing necessity for any period not exceeding two months in any one year.

(2) The Lieutenant-Governor in Council may grant to any civil servant or to any officer, clerk or servant employed in the public service of Ontario, leave of absence for a period not exceeding one year, with or without salary, for such cause and upon such terms as may be deemed proper and as shall be set out in the Order in Council granting such leave.

Payment  
of salary  
during  
leave of  
absence.

(3) The salary of any person during leave of absence may be paid to him in advance at the time of granting such leave, or at such times as the Minister, or the Lieutenant-Governor in Council, may direct. *New.* (See R.S.O., 1897, c. 15, s. 26.)

#### GRATUITIES.

When  
gratuity  
may be  
granted  
and limit  
of amount.

**18.**—(1) Where the services of a civil servant or of any officer, clerk or servant in the public service are dispensed with on account of age, ill-health or infirmity, or in consequence of a change in the department, or changes in, or the abolition of, any office, clerkship or service in which he has been employed in the public service or from any cause other than misconduct or improper behaviour on his part, or where a civil servant or any such officer, clerk or servant dies, there may be paid to him, or to his personal representatives, or to any member of his family, upon the order of the Lieutenant-Governor in Council, a sum not exceeding one month's pay for each year of his service. R.S.O. 1897, c. 15, s. 27; 1 Geo. V., c. 17, s. 2. *Amended.*

Not to  
apply to  
persons  
appointed  
after 1897.

(2) This section shall not apply to any person appointed after the 1st day of January, 1898. 61 V., c. 6, s. 1.

#### SALARIES AND INCREASES.

Salaries  
and  
Increases.

**19.**—(1) Where the salary or other remuneration or an increase in the salary or other remuneration attached to any office, clerkship or service is voted by the Assembly in the Estimates or Supplementary Estimates for any financial year, whether the appropriation therefor is made by the Legislature before the commencement of, or during the financial year for which the appropriation is made, and notwithstanding that the officer, clerk or servant was appointed after the commencement of the financial year for which the salary or other remuneration or increase was voted, unless it is otherwise expressly stated in the Estimates or Supplementary Estimates, or directed by the Lieutenant-Governor in Council, any appointment to such office, clerkship or service shall take effect as from the commencement of the financial year in which the same is made, and such salary, or other remuneration, or such increase, shall take effect and shall be payable as from the commencement of the financial year for which the same is voted, and the portion of such salary or other remuneration or of such increase which has accrued before the date of the passing of the Act making the appropriation shall be payable at that date.

When to  
take effect.



(2) This section shall take effect as from the 31st day of October, 1910. 1 Geo. V. c. 17, s. 6. Retrospective application of section.

#### SAVING AS TO OTHER ACTS.

**20.** This Act shall be subject to the provisions of any other Act relating to any department or public office under the Government. (*New.*) Act subject to other provisions.

#### REPEAL.

**21.** Chapter 15 of the Revised Statutes of Ontario, 1897; chapters 6 and 7 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria; section 8 of *The Statute Law Amendment Act*, 1906; chapter 4 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh, and sections 2 and 6 of chapter 17 of the Acts passed in the first year of the reign of His Majesty King George the Fifth, are repealed. Rev. Stat. c. 15; 61 V. cc. 6, 7; 6 Edw. VII. c. 19, s. 8; 9 Edw. VII. c. 4, repealed. 1 Geo. V. c. 17, ss. 2 and 6, repealed.

## CHAPTER 4.

## An Act to amend The Ontario Voters' Lists Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. c. 4,  
ss. 57-73 re-  
pealed.

1. Sections 57 to 73 of *The Ontario Voters' Lists Act*, being Part III. of the said Act, are repealed and the following substituted therefor:—

## PART III.

## LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Appoint-  
ment of  
chief enum-  
erator for  
territory  
without  
municipal  
organiza-  
tion.

57.—(1) The Lieutenant-Governor in Council may appoint a Chief Enumerator for each electoral District comprising territory without municipal organization, to prepare the Voters' Lists for such territory.

Assistant  
enumer-  
ators.

(2) The Chief Enumerator may appoint one or more assistant Enumerators to assist him in the preparation of the Voters' Lists.

Appoint-  
ment of as-  
sistant en-  
numerators.

(3) The appointment shall be by writing in duplicate under the hand of the Chief Enumerator and shall designate the territorial area within his Electoral District in which the assistant Enumerator is to prepare lists.

How dis-  
posed of.

(4) One of such duplicates shall be furnished to the assistant Enumerator and the other shall be forthwith filed in the office of the Chief Enumerator and shall be open to inspection at all reasonable times.

Copy of ap-  
pointment  
to be filed  
with Clerk  
of Crown in  
Chancery.

(5) A copy of the appointment certified by the Chief Enumerator to be a true copy shall be forthwith transmitted to the Clerk of the Crown in Chancery and shall be filed in his office.

Changes  
among  
assistant en-  
umerators.

(6) The Chief Enumerator may dispense with the services of an Assistant Enumerator at any time, and may fill any vacancy caused by death, removal or otherwise, and may

enlarge

enlarge, diminish or alter the limits of the territory in which the assistant is to act as the Chief Enumerator may see fit.

58. Every Chief Enumerator, and every assistant Enumerator shall before entering upon his duties, take the oath of office, Form 20, before a Judge of the County or District Court of the County or district in which he is to act or before a Magistrate having jurisdiction therein, which oath in the case of the Assistant Enumerator, shall be forthwith transmitted to the Chief Enumerator, and in the case of the Chief Enumerator shall be forthwith transmitted by him to the Clerk of the Crown in Chancery.

59.—(1) The Lieutenant-Governor in Council may by proclamation direct the preparation of Voters' Lists for those parts of the Province without municipal organization, or in any specified electoral district therein, and on such proclamation being issued, the Chief Enumerator upon appointment shall forthwith cause to be posted in a conspicuous manner throughout those parts of the territory for which he is appointed, at every public and separate school house, and at every statutory polling place, every post office, and at every other place which may be directed by the Lieutenant-Governor in Council, a copy of this part, and one or more printed notices, Form 21, and the Chief Enumerator or an assistant Enumerator as the case may be, shall attend at the time and place mentioned in the notice.

(2) The Chief Enumerator shall also forthwith upon appointment notify the member representing the Electoral District, the defeated candidate in the previous election in such district, and the known candidates before the people for election in such district, of the preparation of Voters' Lists, by sending by registered post a copy of this part and one printed notice (Form 21).

60. Not less than ten days after the posting of notices, inclusive of the day of posting, the Chief Enumerator or an Assistant Enumerator shall visit every part of the territory where by statute or proclamation of the Lieutenant-Governor in Council, or by the direction of the Chief Enumerator there is required to be a polling place, and shall ascertain the names of all persons who are entitled to have their names entered on such lists, including any who may deliver to him an affidavit according to Form 22a or 22b.

61.—(1) Save as otherwise provided, the Judge and Assistant Enumerators, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the Judge and to the Clerk

Oaths of office.

Proclamation for preparation of lists and duty of Chief Enumerator thereon.

To whom notice to be sent.

Preparation of lists.

Application of general provisions as to duties of Clerk and Judge.

of a municipality and the Judge by this Act elsewhere in the Province, and the forms and notices and other proceedings, shall be the same as nearly as may be, and be taken with the same effect as in the case of lists elsewhere in the Province save as herein otherwise provided.

Appeals to be made to Chief Enumerator.

(2) All appeals shall be filed with the Chief Enumerator who shall perform all duties in respect to such appeals as nearly as may be, as is done by a Clerk of a municipality.

Lists and appeals to be posted in his office.

(3) All lists and all appeals therefrom required to be posted shall be posted in the office of the Chief Enumerator.

List to be parts for each polling place.

62. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him.

Affidavit of assistant enumerator.

63. The Assistant Enumerator shall on completion of his list, attach thereto an affidavit to be made before a Judge of the District or County Court of the county or district or Police Magistrate, according to Form 23.

Where irregularities not to avoid list.

64. The non-performance by the Assistant Enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list; nor shall such list be void for any irregularity, if there has been a substantial compliance with the requirements of this Act.

Appeal to Judge

65.—(1) There shall be an appeal to the Judge in the same manner as elsewhere in the Province, and the Judge shall, without any unnecessary delay attend to hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

Appeal as to polling place.

(2) A voter may also appeal with respect to the polling place at which his name is entered.

Notice of appeal.

(3) At least ten days' notice (inclusive of the first day's publication) of the hearing of such appeals shall be given, Form 24, by publication in a newspaper published in the county or district, and by posting as required by section 59 of this Act.

Procedure on appeals

(4) The proceedings in respect to such appeals shall be as nearly as may be, the same as upon appeals under Part I., save that the time within which notice may be given of any complaint or appeal to be made to the Judge with respect to a Voters' List shall be 10 days after the Assistant Enumerator has posted up the list, inclusive of the day of such posting.

66. If there is no appeal within such 10 days, the Enumerator shall forthwith deposit in the offices of the Sheriff, and of every Police Magistrate in the electoral district, and in the office of the Clerk of the Peace, respectively, a copy of his list, certified by the Judge.

Certifying list where there is no appeal.

67.—(1) The Chief Enumerator and each Assistant Enumerator for preparing and the Judge for revising the lists required by this Part, shall be entitled to receive the sum of \$5 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements.

Fees of Enumerator and Judge.

(2) Whenever it appears to the Lieutenant-Governor in Council that the amount provided in subsection 1, is not sufficient remuneration for the services required to be performed, he may authorize the payment of such additional sum for such services as he may consider just and reasonable.

When additional sums may be authorized.

(3) The fees, allowances and expenses payable under subsections 1 and 2, and the other expenses of preparing lists under this Part, shall be paid out of any money appropriated by the Legislature for that purpose.

How payable.

68. The provisions of sections 24, 42 and 43, shall apply to this Part.

Application of ss. 24, 42, 43.

69. No Chief Enumerator or Assistant Enumerator and no person in whose office the list is deposited under this Part, shall be a candidate for election to the Assembly at any election for which the list is to be used.

Enumerators, etc., not to be candidates.

70. If a Chief or Assistant Enumerator omits, neglects or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200.

Penalty for neglect of duty.

71. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof, shall be an offence, and any Chief or Assistant Enumerator, Clerk of the Peace, Sheriff, Police Magistrate or other person who commits such offence or wilfully permits the same to be committed shall incur a penalty of \$2,000.

For misconduct.

72.—(1) Any penalty mentioned in the next preceding two sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction.

Recovery of penalties.

(2) Actions for penalties incurred under the next two preceding sections shall be tried by a Judge without a jury.

Trial without jury.

Voters' lists  
already pre-  
pared.

73. Unless and until a new Voters' List therefor has been prepared and certified, the Voters' List last so prepared and certified shall be the proper Voters' List to be used at such polling place at any election to the Assembly.

Chief En-  
umerator,  
general  
powers of.

74. The Chief Enumerator shall have the general superintendence and direction of the Assistant Enumerators, and notwithstanding anything herein contained, may do and perform any of the duties assigned to an Assistant Enumerator.



## CHAPTER 5.

## An Act to amend The Ontario Election Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 167 of *The Ontario Election Act* is amended by adding thereto the following clause at the end of clause (j) thereof:—

8 Edw. VII.  
c. 3, s. 167,  
subsec. 1,  
amended.

- (j) In order to induce a person to withdraw from being a candidate at an election, directly or indirectly gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or to any other person.

## CHAPTER 6.

An Act respecting Public Lands and the  
Department of Lands, Forests and Mines*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title.    **1.** This Act may be cited as *The Public Lands Act*.  
R.S.O. 1897, c. 28, s. 1.

Interpre-    **2.** In this Act,  
tation.

"Depart-    (a) "Department" shall mean Department of Lands,  
ment."        Forests and Mines;

"Mines and    (b) "Mines and Minerals" shall include gold, silver,  
minerals."    copper, lead, iron and other mines and minerals  
and quarries and beds of stone, marble or gyp-  
sum;

"Minister."    (c) "Minister" shall mean Minister of Lands, Forests  
and Mines;

"Public    (d) "Public Lands" shall include lands heretofore  
Lands."       designated as Crown Lands, School Lands and  
Clergy Lands.

"Regula-    (e) "Regulations" shall mean regulations made by  
tions."       the Lieutenant-Governor in Council. R.S.O.  
1897, c. 28, s. 2. *Amended.*

## PART I.

## DEPARTMENT OF LANDS, FORESTS AND MINES.

3. There shall continue to be a Department for the management, sale and disposition of the Public Lands, Forests and Mines, to be called "The Department of Lands, Forests and Mines," and the same shall be presided over by The Minister of Lands, Forests and Mines. R.S.O. 1897, c. 28, s. 3; 6 Edw. VII. c. 10, s. 2.

4.—(1) There shall be a Deputy Minister of Lands and Forests, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties as may be assigned to him by the Lieutenant-Governor in Council or by the Minister, and in the absence of the Minister or in the case of a vacancy in the office of Minister, he shall preside over the Department as regards all matters other than those assigned to the Deputy Minister of Mines, and shall discharge as to the matters assigned to him the duties of the Minister.

(2) There shall also be a Deputy Minister of Mines, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with mines, mining lands and the mining industry and other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister, and in the absence of the Minister or in the case of a vacancy in the office of Minister, he shall discharge the duties of the Minister with respect to mines, mining lands, and the mining industry and such other matters as may be so assigned to him.

(3) The Deputy Ministers shall before entering upon their duties take and subscribe an oath faithfully to discharge the same, which shall be administered by the Minister, or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(4) In the absence of either of the Deputy Ministers the other shall discharge his duties. 6 Edw. VII. c. 10, s. 3.

5.—(1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary to carry out the provisions of this Act, or to meet cases for which no provision is made by this Act.

(2) The regulations shall be published in the *Ontario Gazette*, and in such newspaper as the Minister may direct, and shall be laid before the Assembly forthwith if the Assembly is then in session and if it is not in session within

15 days after the opening of the next session. R.S.O. 1897, c. 28; s. 11, *part*; 6 Edw. VII. c. 10, s. 2, *amended*.

Appointment of officers and agents.

**6.** The Lieutenant-Governor in Council may appoint such officers and agents to carry out the provisions of this Act and of the regulations as he may deem necessary. R.S.O. 1897, c. 28, s. 7, *amended*.

Exercise of powers by Lieutenant-Governor in Council.

**7.** The powers by this Act conferred on the Minister shall be exercised subject to the regulations and they may also be exercised by the Lieutenant-Governor in Council. R.S.O. 1897, c. 28, s. 11, *part*.

Minister to report annually to the Legislature.

**8.** The Minister shall annually lay before the Assembly within ten days after the meeting thereof, a report of the proceedings and transactions of the Department during the next preceding calendar year. R.S.O. 1897, c. 28, s. 10; 6 Edw. VII. c. 10, s. 2.

Deputy Ministers and agents to give security.

**9.** The Deputy Ministers, and every Public Lands agent shall furnish such security for the due performance of their duties as the Lieutenant-Governor in Council may prescribe. R.S.O. 1897, c. 28, s. 8; 6 Edw. VII. c. 10, s. 2.

Purchase, etc., by agent of land, etc., in his agency forbidden.

**10.—(1)** No Public Lands agent shall within the agency for which he is appointed, unless under the authority of the Minister, directly or indirectly purchase or become the owner of or interested in any Public Lands in such agency, and any such purchase or interest shall be void.

Penalty.

**(2)** For every contravention of this section the agent shall incur a penalty of \$400. R.S.O. 1897, c. 28, s. 9.

#### SURVEYS.

Survey of unsurveyed Public Lands.

**11.** The Minister, subject to the regulations and to the directions of the Lieutenant-Governor in Council, may cause to be surveyed and subdivided any of the unsurveyed Public Lands in such manner and according to such plan as he may deem proper. *New*.

#### GRANTS, SALES AND LICENSES OF OCCUPATION.

Lands may be set apart for certain public purposes and free grants thereof made.

**12.—(1)** The Lieutenant-Governor in Council may set apart and appropriate such of the Public Lands as he may deem expedient for the sites of Wharves or Piers, Market Places, Gaols, Court Houses, Public Parks or Gardens, Town Halls, Hospitals, Places of Public Worship, Burying

Grounds

Grounds, Schools, and for purposes of Agricultural Exhibitions, and for other like public purposes, and for Model or Industrial Farms; and may make free grants for such purposes, and the trusts and uses to which they are to be subject shall be expressed in the letters patent; but no grant shall be for more than ten acres in any one case, and for any one of such purposes, except for a Model or Industrial Farm, in which case the grant shall not be for more than one hundred acres. Proviso.

(2) The Lieutenant-Governor in Council at any time before the issue of the letters patent may revoke any such appropriation. R.S.O. 1897, c. 28, s. 13. Revocation.

**13.** The Lieutenant-Governor in Council, may from time to time, fix the prices at which the Public Lands are to be sold, and the terms and conditions of sale and of settlement. R.S.O. 1897, c. 28, s. 14. *Amended.* Lieutenant-Governor to fix price of Public Lands, etc.

**14.**—(1) The Minister may issue under his hand and seal, a license of occupation to any person who has purchased, or is permitted to occupy, or is entrusted with the care or protection of any Public Lands or who has received or been located on any Public Lands as a free grant. Licenses of occupation to be issued.

(2) Such person or his assigns may take possession of and occupy the land for which the license is issued, subject to the conditions of the license, and may under it, unless it has been revoked or cancelled, maintain actions against any wrong-doer or trespasser, as effectually as he could under letters patent from the Crown. Effect of license of occupation.

(3) The license of occupation shall be *prima facie* evidence of the right to possession by such person and his assigns of the land, but shall have no force against a license to cut pine trees existing at the time of its issue or where the pine trees are reserved to the Crown against a license to cut such trees then existing or thereafter issued. R.S.O. 1897, c. 28, s. 17; 6 Edw. VII. c. 10, s. 2.

**15.** The Minister shall have authority to determine all questions which arise as to the rights of persons claiming to be entitled to letters patent of land located or sold under the provisions of this Act and his decision shall be final and conclusive. R.S.O. 1897, c. 28, s. 23. *Amended.* Minister to decide as to right to patent.

#### FORFEITURE OF CLAIMS.

**16.** If the Minister is satisfied that a purchaser, locatee or lessee of Public Lands or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of Sale, etc., of land may be cancelled in case of fraud or error, etc.

the

the license of occupation, or if the same was made or issued in error or by mistake, he may cancel such sale, location, lease or license, and resume the land and dispose of it as if the same had never been made. R.S.O. 1897, c. 28, s. 24; 6 Edw. VII. c. 10, s. 2.

Mode of obtaining possession, if the settler refuses to deliver up land, or a trespasser is in possession.

**17.**—(1) Where a purchaser, locatee, lessee or other person refuses or neglects to deliver up possession of any land after the revocation or cancellation of the sale, location, lease or license of occupation thereof, or where a person is wrongfully in possession of Public Lands and refuses to vacate or abandon possession of the same, the Minister may apply to a Judge of the County or District Court of the County or District in which the land or any part of it is situate, for an order for possession, and the Judge, upon proof to his satisfaction that the right or title of such purchaser, locatee, lessee or other person to hold the land has been revoked or cancelled, or that the person in possession is wrongfully in possession of the land shall make an order requiring him to deliver up the land to the Minister, or to any person authorized by him to receive possession of it, or the Minister may by his warrant require such purchaser, locatee, lessee or person to deliver up the land to the person named in the warrant.

Effect of order or warrant.

(2) The order or warrant shall have the same force as a writ of possession, and the Sheriff, or Bailiff, or person to whom it is entrusted for execution shall execute it in like manner as he would a writ of possession in an action for the recovery of land. R.S.O. 1897, c. 28, s. 25; 6 Edw. VII. c. 10, s. 2.

Officers right to demand assistance, etc.

(3) The Sheriff, Bailiff, or other person executing the order or warrant may take with him all necessary assistance, and shall have the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his duty. R.S.O. 1897, c. 33, s. 23.

Removal of trespassers from public lands.

(4) Where it appears to the Minister that the presence of any person who is wrongfully or without lawful authority in possession of or occupying any Public Lands, is dangerous to the safety of any timber or other public property on such land or in its vicinity, and it is expedient for that or any other reason to remove him from such land, the Minister may by warrant authorize any member of the Ontario Provincial Police Force, forest ranger, Public Lands agent, or other officer or person to remove such person from such land and also to remove therefrom any building, structure or tent erected or used by such person. R.S.O. 1897, c. 33, s. 25. *Amended.*

(5) If any person who has given up possession of or has been removed from any land under the authority of this section again returns to or enters upon it the order or warrant shall be a sufficient authority to the officer or person named in it, again to remove such person from the land and the power of removal may be exercised under such order or warrant from time to time, and as often as occasion may require.

Person removed may be again removed.

(6) Every person who refuses to obey any such order or warrant, or who resists, obstructs or interferes with any person executing it, or who again returns to the land, shall incur a penalty of not less than \$20 or more than \$100, recoverable under *The Ontario Summary Convictions Act*, and shall also be liable to imprisonment for any term not exceeding six months. R.S.O. 1897, c. 33, s. 26, amended.

Penalty for obstruction, etc.

10 Edw. VII. c. 37.

#### RENT IN ARREAR.

18. Where rent payable to the Crown on a lease of Public Lands is in arrear, the Minister or an agent or officer appointed under this Act and authorized by the Minister to act in such cases, may issue a warrant, directed to any person named in it, in the nature of a distress warrant; as in ordinary cases of landlord and tenant; and the same proceedings may be had thereon for the collection of such arrears as in the last mentioned cases; or an action may be brought in the name of the Minister for the recovery of the arrears, but a demand of the rent shall not be necessary in any case. R.S.O. 1897, c. 28, s. 26; 6 Edw. VII. c. 10, s. 2.

Minister or other officer may issue distress warrant for rent in arrear;

or action may be brought.

#### PATENTS ISSUED IN ERROR.

19.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer, or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective patent to be cancelled and a correct one to be issued in its stead, and the corrected letters patent shall relate back to the date of the one so cancelled and shall have the same effect as if issued at the date of such cancelled letters patent.

Erroneous patents may be cancelled.

(2) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. R.S.O. 1897, c. 28, s. 27; 6 Edw. VII. c. 10, s. 2.

Correction of errors in patent after registration.

1 Geo. V. c. 28.



Compensation in case of double or inconsistent grants.

Proviso.

**20.** Where grants or letters patent for the same land inconsistent with each other have been issued through error, or where sales or appropriations of the land inconsistent with each other have been made, the Minister may, in cases of sale, cause a repayment of the purchase money, with interest to be made to the person damnified, or where the land has passed from the original purchaser or has been improved before discovery of the error, or where the original grant or appropriation was a free grant, he may in substitution appropriate land or give a certificate entitling the person damnified to Public Lands of such value and to such extent as the Minister may deem just; but no claim shall be entertained unless it is made within five years from the discovery of the error. R.S.O. 1897, c. 28, s. 28; 6 Edw. VII. c. 10, s. 2. *Amended.*

Compensation for deficiency of land by reason of false survey or error in departmental books or plans.

**21.**—(1) Where by reason of erroneous survey or of error in the books or plans in the Department any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the letters patent therefor, the Minister may direct that the purchase money of so much land as is deficient, with interest thereon from the time of the application for a refund or if the land has passed from the original purchaser, the Minister may direct that the purchase money which the claimant, if he was ignorant of the deficiency at the time of his purchase, paid for so much of the land as is deficient, with interest thereon from the time of the application for a refund, be paid to him in land or money, as the Minister may direct.

Free grant land.

(2) In the case of a free grant, the Minister may direct a grant to be made of other land equal in value to so much of the land intended to be granted as is deficient, as a free grant.

Claim not to be allowed in certain cases.

(3) No claim shall be entertained unless it is made within five years from the date of the letters patent, or unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the land granted. R.S.O. 1897, c. 28, s. 29; 6 Edw. VII. c. 10, s. 2.

Registration of judgments.

I Geo. V. c. 28.

**22.** If letters patent for land are repealed or avoided in a judicial proceeding, the judgment shall be registered in the registry office of the registry division in which the land lies or in the proper Land Titles Office as the case may be. R.S.O. 1897, c. 28, s. 31.

## REDUCTIONS OF PRICE AND ABATEMENTS OF INTEREST.

**23.**—(1) The Minister may reduce the price of any Public Lands sold by the Crown before the 1st day of July, 1890, where it appears that the land was sold at a price beyond its fair value, and that the price or part of it remains unpaid, but the reduction shall not exceed the amount which remains unpaid.

Reduction in the price of lands sold by the Crown beyond their fair value.

(2) The Minister may also make such abatement as he may deem just, of the arrears of interest upon the unpaid purchase money of any Public Lands sold by the Crown before the 1st day of July, 1890.

Abatement of interest.

(3) Before any reduction or abatement is made under subsection 1, the land shall be examined and valued by an inspector appointed for that purpose by the Minister.

Inspection of lands.

(4) The reduction and abatement shall be confined to cases in which the purchaser from the Crown or some person claiming under him is in occupation of the land and is an actual settler on it, or on land adjacent to it.

Persons entitled to a reduction.

(5) Such reductions and abatements in the case of School lands shall be made only in respect of, and in proportion to, the share or interest of Ontario in the lands, and the price thereof, and shall not extend to or affect the share or interest of the Province of Quebec in the lands or the price thereof. R.S.O. 1897, c. 28, ss. 32 to 35, *amended*; 6 Edw. VII. c. 10, s. 2; 8 Edw. VII. c. 16, s. 3.

Reduction in case of school lands not to affect share of Quebec.

*Section 37 covered by The Assessment Act.*

## RETURNS.

**24.** The Minister shall in the month of February in every year transmit to the treasurer of every county and of every local municipality in territory without county organization, a list of all land within the county or local municipality patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a license of occupation was issued during the next preceding calendar year, and the Minister shall in like manner inform every such treasurer of the cancellation of any license of occupation, sale, lease, location, or appropriation. R.S.O. 1897, c. 28, s. 38; 6 Edw. VII. c. 10, s. 2.

Annual lists of lands granted, etc., to be furnished by Minister to county treasurers.

Provincial Secretary to furnish Registrar with quarterly statement of Crown grants.

**25.**—(1) The Provincial Secretary shall, once in every three months, furnish to the Registrar of every registry division, a statement containing a list of the names of all persons, to whom letters patent have been issued for land within the registry division during the next preceding three months, and of all persons whose letters patent have been cancelled during that period with such general or particular descriptions of the land as the case may require.

Duty of Registrar where land under *The Land Titles Act*.

(2) Where a list of patented lands, furnished under this section contains any land to which section 159 of *The Land Titles Act* applies, it shall be stated in the list that such land is subject to that Act, and in such case and also whenever the Provincial Secretary notifies the Registrar of a registry division of the issue of a patent of land to which that section applies, the Registrar shall in the abstract index enter the fact that the land is subject to *The Land Titles Act* and shall not thereafter receive for registration any instrument affecting the land. R.S.O. 1897, c. 28, s. 39 (1, 2).

1 Geo. V.  
c. 28.

#### OFFENCES AND PENALTIES.

Employees of the Department not to traffic in public lands or take fees.

**26.**—(1) No person holding an office in or under the Department, and no person employed in or under the Department, except in the case provided for by section 10, shall directly or indirectly purchase any right, title or interest in any Public Lands, or any land scrip, or deal or traffic in the same, either in his own name, or by the interposition of any other person, or in the name of any other person in trust for himself, or take or receive any fee or emolument for negotiating or transacting any business connected with the duties of his office or employment.

Penalty.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of \$400. R.S.O. 1897, c. 28, s. 40.

Penalty on agent knowingly giving false information, etc.

**27.** An Agent to receive applications for the sale or location of Public Lands who knowingly and falsely informs, or causes to be informed, any person applying to him to locate or purchase any land within his division that the same has already been located, appropriated or purchased, or refuses to accept from the person so applying an application to purchase the land, or where so entitled, to locate it according to the regulations, or does not forthwith transmit an application to the Department, shall be liable therefor to the person so applying, in the sum of \$5 for each acre of land which he offered to locate or purchase. R.S.O. 1897, c. 28, s. 41.

## MISCELLANEOUS.

**28.** Where by law or by any deed, lease or agreement relating to any Public Lands any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and such act may be done by the Minister or the Deputy Minister, or by a person acting under the authority of either of them. R.S.O. 1897, c. 28, s. 42; 6 Edw. VII. c. 10, s. 2.

How notices  
required to  
be given  
may be  
given.

**29.**—(1) Affidavits required under this Act or intended to be used in reference to any claim, business or transaction in the Department, or in respect of which the Department is interested or which affects the revenue of Ontario under the control of the Department, may be taken before any person having authority to administer oaths or before the Clerk of any County or District Court, or before the Minister or Deputy Minister or any agent of the Department or before any person appointed for that purpose by the Minister or Deputy Minister, or before an Ontario Land Surveyor appointed by the Minister or Deputy Minister to inquire into or take evidence or report in any matter pending in the Department.

Before  
whom aff-  
davits under  
this Act may  
be made.

(2) Such affidavits, if made out of Ontario, may be taken before any person having authority under *The Evidence Act* to administer oaths out of Ontario. R.S.O. 1897, c. 28, s. 44; 6 Edw. VII. c. 10, s. 2.

9 Edw. VII.  
c. 43.

**30.** A copy of any instrument made or issued under the hand of the Minister or of a Deputy Minister or of any officer or agent of the Department under the authority of this Act or of *The Crown Timber Act*, or under the authority of the Regulations made under those Acts, purporting to be certified by the Minister, Deputy Minister, officer or agent as a true copy of such instrument, shall be *prima facie* evidence of the instrument and of its contents in all courts and before all officers and persons having by law or by the consent of parties authority to hear, receive, and examine evidence. R.S.O. 1897, c. 28, s. 47, *amended*.

Certified  
copy of in-  
strument to  
be evidence.

**31.** The Minister may sell, lease and make appropriations of land covered with water in the harbours, rivers and other navigable waters in Ontario, under such conditions as he may deem proper, but not so as to interfere with the use of any harbour as a harbour, or with the navigation of any harbour, river or other navigable water. R.S.O. 1897, c. 28, s. 49.

Sales and  
appropri-  
ations of  
water lots  
may be  
made.

## PART II.

## FREE GRANTS TO ACTUAL SETTLERS.

Free grants  
limited.

**32.** Except as hereinafter and in section 12 otherwise provided, no free grant of Public Lands shall be made. R.S.O. 1897, c. 29, s. 2, *amended*.

Free grants  
to actual  
settlers.

**33.** The Lieutenant-Governor in Council may set apart and appropriate any territory which he may deem suitable for settlement and cultivation, for the purpose of a free grant of the lands therein being made to actual settlers, under and subject to the regulations. R.S.O. 1897, c. 29, s. 3; R.S.O. 1897, c. 30, s. 3.

Locatee  
defined.

**34.** The person to whom land is allotted or appropriated as a free grant shall be deemed to be located for the land within the meaning of this Act, and is hereinafter called the locatee. R.S.O. 1897, c. 29, s. 5.

Right of  
head of  
family to  
free grant.

**35.**—(1) The head of a family with a child or children under eighteen years of age residing with him, may be located for a free grant to the extent of 160 acres in townships surveyed in sections of 640 acres or in lots of 320 acres, or to the extent of 200 acres in the remainder of the free grant territory. R.S.O. 1897, c. 29, s. 6, R.S.O. 1897, c. 30, s. 5, *amended*.

Right of  
male, with-  
out child, to  
free grant.

(2) A male of the age of eighteen years or upwards without a child, may be located for a free grant to the extent of 160 acres in townships surveyed in sections of 640 acres or in lots of 320 acres, or to the extent of 100 acres in the remainder of the free grant territory. R.S.O. 1897, c. 29, s. 6; R.S.O. 1897, c. 30, s. 6, *amended*.

Right of  
locatee to  
purchase  
additional  
land.

(3) In townships surveyed in sections of 640 acres or lots of 320 acres, in addition to being located, as provided for by subsection 1, every head of a family having a child or children under eighteen years of age residing with him may purchase 80 acres and in the remainder of the free grant territory 100 acres adjacent to his location at 50 cents an acre, payable in cash. R.S.O. 1897, c. 30, ss. 7 and 8; 8 Edw. VII. c. 18, ss. 1 and 2, *amended*.

(4) Where a person has made substantial improvements on two or more adjoining lots in the District of Kenora or the District of Rainy River, and the lots contain more land than he is entitled to locate and purchase, the Minister may sell to him at fifty cents per acre such additional land as under the circumstances the Minister may deem proper. R.S.O. 1897, c. 30, s. 10; 8 Edw. VII. c. 18, s. 3.

(5) Where it appears to the Minister that by reason of rock, or swamp a lot or parcel of land containing 100 <sup>Allowance for rock, lakes or swamp.</sup> acres which he is about to allot does not contain that quantity of land that can be made available for farming purposes, he may increase the number of acres to be allotted to the locatee so that there shall be allotted to him 100 acres of farming land, but the quantity allotted shall in no case exceed 200 acres.

(6) The powers conferred on the Minister by the next <sup>In case of</sup> preceding subsection may also be exercised in respect of land <sup>located</sup> which has been located.

(7) Where the whole or an aliquot part of a section or <sup>Quantity in lot, etc., according to original survey to govern.</sup> lot is or is to be located, it shall be deemed for the purpose of the location to contain the quantity of land which accord- ing to the original survey it was intended to contain.

**36.** Before a person is located he shall make an affidavit, <sup>Affidavit of person desiring location.</sup> which shall be deposited with the agent to whom the application is made, stating that he has not been located for any land under this Part, and that he is of the age of eighteen years or upwards, that he believes the land for which he desires to be located is suitable for settlement and cultivation, and is not chiefly valuable for its pine trees or for its mines and minerals, and that the location is desired for his own benefit, and for the purpose of actual settlement and cultivation of the land, and not, either directly or indirectly, for the use or benefit of any other person, or for the purpose of obtaining, possessing, or disposing of any of the pine trees growing or being on the land, or any benefit or advantage therefrom, or mines or minerals therein, and where the applicant is the head of a family, and has a child, or children under eighteen years of age residing with him or her, that fact shall be stated in the affidavit. R.S.O. 1897, c. 29, s. 7 (1).

**37.** Any person who has obtained letters patent under this <sup>Second location may be obtained.</sup> Part may, on proving to the satisfaction of the Minister that he has *bona fide* and absolutely parted with the patented land, obtain another location. R.S.O. 1897, c. 29, s. 7 (2).

Patent not  
to issue  
before  
expiration  
of three  
years.

**38.**—(1) A patent shall not be issued for land located or sold under this Part until the expiration of three years from the date of the location or sale, or until the locatee or some one claiming under him, has performed the following settlement duties:—

Settlement  
duties  
required.

(a) has cleared and has under cultivation at least fifteen acres of the land of which at least two acres have been cleared and cultivated in each of the three years next after the date of the location;

(b) has built on the land a house, fit for habitation, of the dimensions of at least sixteen feet by twenty feet; and

(c) has actually and continuously resided upon and cultivated the land for the three years next after the date of the location or sale, and from thence to the time of the issue of the letters patent.

Temporary  
absence.

(2) Absence from the land for not more than one month next after the date of the location or for not more than six months during any one year shall not be deemed for the purposes of clause (c) a cessation of residence if the land has been cultivated during that year.

Settlement  
duties  
where  
additional  
land  
purchased.

(3) Where additional land is purchased by a locatee under the provisions of section 37, the settlement duties may be performed either on the located or the purchased land or partly on both.

When  
locatee  
may be  
located for  
additional  
land.

(4) Where a locatee has not been located for the full quantity of land for which he was entitled to be located, or, having been located for the full quantity, has afterwards become the head of a family with a child or children under eighteen years of age residing with him, he shall be entitled to be located in the former case for sufficient additional adjacent land to make up the full quantity for which he was entitled to be located, and in the latter case for sufficient additional adjacent land to make up the full quantity for which he would have been entitled to be located, if at the time he was located he had been the head of a family having a child or children under eighteen years of age residing with him, but it shall not be necessary for him to perform settlement duties on the subsequently located land, if the settlement duties have been performed on the land first located.

Settlement  
duties  
where  
additional  
land  
located.

(5) Where the settlement duties have not been performed or completely performed on the land first located, the Minister may, subject to the regulations, permit them to be performed



or completed either on the land first located or the subsequently located land or partly on both. R.S.O. 1897, c. 29, ss. 8 and 10; 6 Edw. VII. c. 10, s. 2; 8 Edw. VII. c. 17, s. 1. *Amended.*

**39.** If such settlement duties are not performed, the Minister may direct that the location be forfeited, and thereupon all rights of the locatee, and of every one claiming under him, in the land shall cease. R.S.O. 1897, c. 29, s. 9.

Location to be forfeited if settlement duties not performed.

**40.** If a person entitled to obtain a location under the provisions of this Part has, without objection by the Crown, for a period of four years or more occupied and has made the prescribed improvements upon one or more lots, not exceeding in quantity that which may be granted under this Part, before the land was opened for location as free grant land, or if the land was open for location, and has so occupied and improved the land but through inadvertence or oversight has not been located for it, the Minister if satisfied that the land is not chiefly valuable for its pine trees, subject to the regulations, may, after location under this Part, direct the issue of the letters patent upon proof of the performance of the prescribed settlement duties and without waiting for the expiration of three years from the date of the location. R.S.O. 1897, c. 29, s. 12; 6 Edw. VII. c. 10, s. 2; 8 Edw. VII. c. 17, s. 2; 9 Edw. VII. c. 15, s. 2.

In certain cases if occupant for four years not regularly located patent may issue before three years.

**41.** Subject to Sections 38 and 40 and to the regulations, where the owner and occupant of land in free grant territory, acquired otherwise than as a free grant, is desirous of obtaining a free grant under this Part of land adjacent to such first mentioned land, the Minister may dispense with the performance of the settlement duties on such adjacent land and may direct the immediate issue of letters patent therefor, if he is satisfied that there are at least 30 acres cleared upon such first mentioned land. R.S.O. 1897, c. 29, s. 11; c. 30, s. 11; 6 Edw. VII. c. 10, s. 2.

Settlement duties may be dispensed with in certain cases.

#### PINE TREES.

**42.—(1)** Subject to section 52, pine trees standing or being upon land located or sold under Part II, shall be reserved from the location or sale, and shall remain the property of the Crown, and except in the case of land in the Districts of Kenora and Rainy River, the letters patent for all land so located or sold shall contain a reservation of all pine trees standing or being on the land and they shall remain the property of the Crown.

Reservation of pine trees and mines and minerals.

In Kenora and Rainy River pine trees to pass when patent issues.

(2) In the Districts of Kenora and Rainy River the pine trees remaining at the time of the issue of the letters patent on land located or sold shall pass to the patentee.

Right to clear, etc.

(3) The locatee, or purchaser, and those claiming under him may nevertheless cut and use such pine trees as may be necessary for the purpose of building, and fencing on the land so located or sold, and may also cut and dispose of all trees required to be removed in the actual clearing of the land for cultivation, but no pine trees except for such necessary building and fencing shall be cut beyond the limit of such actual clearing.

Pine trees sold to be subject to timber dues.

(4) Pine trees cut in the process of clearing, and sold or otherwise disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber.

Locatee of two or more lots may cut pine on any lot for building, fencing, etc.

(5) Where the land comprises two or more lots, or parts of two or more lots, the locatee or purchaser, and those claiming under him, may cut such pine trees as may be necessary for the purpose of such building and fencing, on any one or more of such lots or parts of lots, and may use pine trees on the lot on which they are cut, or on any of the other lots or parts of lots, whether located or purchased at the same time or otherwise. R.S.O. 1897, c. 29, s. 13; c. 30, ss. 12, 13.

Right of timber licensees.

(6) Subject to subsections 2, 3 and 5, any person holding a license to cut timber on such land may at all times during the continuance of the license, and before or after the issue of the letters patent, enter upon the uncleared portion of such land, and cut, and remove such pine trees and make all necessary roads for that purpose and for the purpose of hauling in supplies, doing no unnecessary damage thereby. R.S.O. 1897, c. 29, s. 14.

Payment by Crown to patentees of part of dues.

**43.**—(1) The patentee of free grant land located or sold after the 5th day of March, 1880, and his assigns, shall be entitled to be paid out of the Consolidated Revenue Fund, on all pine trees cut on such land subsequent to the 30th day of April next after the date of the patent, and upon which dues have been collected by the Crown, the sum of thirty-three cents for each one thousand feet, board measure, of saw-logs, and four dollars for each one thousand cubic feet of square or waney timber, and the Lieutenant-Governor in Council may make regulations for carrying out the provisions of this section.

Exception as to Kenora and Rainy River.

(2) This section shall not apply to the Districts of Kenora and Rainy River. R.S.O. 1897, c. 29, s. 15.

ALIENATION AND EXEMPTION FROM DEBT AND DEVOLUTION OF  
LAND.

44.—(1) Neither the locatee nor any one claiming under him, shall have power without the consent in writing of the Minister, to alienate, otherwise than by devise, or to mortgage or charge any land located as a free grant or any right or interest therein before the issue of the letters patent.

Land not to be alienated, etc., before issue of patent.

(2) Except as provided in the next following section, no alienation, otherwise than by devise, and no mortgage or charge of the land, or of any right or interest therein by the locatee after the issue of the letters patent, and within twenty years from the date of the location, and during the lifetime of the wife of the locatee, shall be valid or of any effect, unless the wife of the locatee is one of the grantors with her husband, nor unless the instrument is duly executed by her.

After issue of patent, alienation, etc., to be by locatee and wife jointly.

(3) Where the wife of a locatee is:

(a) a lunatic or of unsound mind, and confined in a Hospital for the Insane; or

Conveyance of lands by locatee without concurrence of wife under certain circumstances.

(b) has been living apart from her husband for two years under such circumstances as by law disentitle her to alimony; or

(c) has not been heard of for seven years under such circumstances as raise a legal presumption of death.

at any time after the issue of the letters patent a Judge of the High Court Division or a Judge of the County or District Court of the County or District in which the land or any part of it is situate, may by an order made in a summary way upon such evidence as to him seems meet, dispense with the concurrence of the wife for the purpose of conveying, mortgaging or charging the land.

(4) In the cases provided for by clauses (a) and (b) of subsection 3, notice of the application shall be personally served upon the wife unless the Judge otherwise directs.

Notice of application.

(5) The order may be made subject to conditions or directions for the benefit of the children of the locatee, and, subject thereto it shall operate to bar the right, title, and interest of the wife in the land to the same extent as

Conditions for benefit of children.

if she being of sound mind had been one of the grantors with her husband, and had duly executed the conveyance, mortgage or charge. R.S.O. 1897, c. 29, ss. 19 to 22. *Amended.*

Exemption from liability for debt before issue of patent.

**45.**—(1) Neither the land nor any interest or right therein, shall in any event be or become liable for the satisfaction of any debt or liability contracted or incurred by the locatee, his widow, heirs or devisees, before the issue of the letters patent.

Exemption after issue of patent.

(2) After the issue of the letters patent, and while the land, or any part of it, or any interest in it is owned by the locatee or his widow, heirs, or devisees, the same shall during the twenty years next after the date of the location be exempt from attachment, levy under execution, or sale for the payment of debts, and shall not be or become liable for the satisfaction of any debt or liability contracted or incurred before or during that period, except a debt secured by a valid mortgage or charge of the land made after the issue of the letters patent. R.S.O. 1897, c. 29, s. 25.

Patents to state date of location, etc.

**46.** In the body of the letters patent the name of the original locatee, the date of the location, and that the letters patent are issued under the authority of this Part shall be stated. R.S.O. 1897, c. 29, s. 23.

On death of locatee widow to have estate during her widowhood.

Widow may elect to have her dower.

**47.** On the death of the locatee, whether before or after the issue of the letters patent, all his then interest and right in the land shall descend to, and become vested in, his widow during her widowhood in lieu of dower, but the widow may elect to have her dower in the land in lieu of this provision. R.S.O. 1897, c. 29, s. 24.

Exemption not to extend to taxes.

**48.** Nothing in this Part shall exempt the land from levy or sale for rates or taxes legally imposed. R.S.O. 1897, c. 29, s. 26.

The Minister may remit sums due by settlers in free grant townships.

**49.** The Minister may, by remitting any sum due to the Crown in respect of his land by such settler, place any *bona fide* settler on free grant territory, who settled thereon before it was opened for settlement as free grant territory and who is in occupation of the land in the same position as if his land had been free grant land at the time he settled on it. R.S.O. 1897, c. 29, s. 28; 6 Edw. VII. c. 10, s. 2. *Amended.*

### PART III.

#### PROVISIONS OF GENERAL APPLICATION.

Power of Minister to open free grant land for location and sale.

**50.**—(1) Where it appears to the Minister that any Public Lands not opened for settlement or sale are not chiefly valuable for their pine trees, the Minister may, with the approval of the Lieutenant-Governor in Council open such lands

lands for location and sale under Part II., or for sale under Part I. to actual settlers; and the pine trees shall thereafter be included in any location or sale under Part II., or sale under Part I., and the letters patent shall be issued accordingly.

(2) A locatee or purchaser shall not be entitled to cut or dispose of the pine trees except for building and fencing, and in the course of actual clearing, until he has been six months in residence and has built a house of the dimensions of 16 by 20 feet, and has six acres cleared and under crop.

(3) The rights of locatees and purchasers shall be subject to the rights of licensees to cut pine timber under licenses in force when the land is opened up for location or sale under this section. 8 Edw. VII. c. 16, s. 1; 8 Edw. VII. c. 17, s. 3; 8 Edw. VII. c. 18, s. 4; 9 Edw. VII. c. 26, ss. 33, 34, 35, *amended*.

**51.** Where a township or part of a township is open for settlement under Part I. or Part II. the Lieutenant-Governor in Council may direct with regard to any part of the township or any particular lots therein located or sold after the date of the Order in Council that the mines and minerals shall be reserved to the Crown, and in the absence of any such direction the mines and minerals shall pass to the patentee when the land is patented. *New*.

**52.**—(1) Upon the application of the purchaser of land in territory open for sale under Part I., or of a locatee or purchaser of land in territory to which section 50 does not apply, open for location and sale under Part II., and not under timber license, or of any one deriving title under him, if it appears to the Minister that the land is not chiefly valuable for its pine trees, but is agricultural land and that the applicant is in actual residence on the land with substantial improvements, the Minister may direct that the pine trees be included in the location or sale, and the letters patent shall be issued accordingly.

(2) If the letters patent have been issued, the Minister may direct the issue of letters patent, granting such pine trees to the then owner of the land. 8 Edw. VII. c. 16, s. 2 (2); 8 Edw. VII. c. 17, s. 4 (1, 2); 8 Edw. VII. c. 18, ss. 4, 5 (1, 2), *amended*.

**53.**—(1) In the case of land patented before the passing of this Act, the mines and minerals therein shall be deemed to have passed to the patentee by the letters patent, and every reservation thereof contained in the letters patent or by statute shall be void. 8 Edw. VII. c. 16, s. 2 (3); 8 Edw. VII. c. 17, s. 4 (3); 8 Edw. VII. c. 18, s. 5 (3); 9 Edw. VII. c. 26, *amended*.

(2)

Lands  
hereafter  
patented.

(2) Subsection 1 shall apply to lands hereafter patented, unless the mines and minerals are expressly reserved by the letters patent. *New.*

Where  
mining  
claims  
have been  
staked  
out and  
recorded.

8 Edw. VII.  
c. 21.

**54.** Sections 52 and 53 shall not apply where, before the passing of this Act, a mining claim has been staked out and recorded by, or has been leased or sold to any person other than the locatee or purchaser of the land, or a person deriving title under him under the *Mining Act of Ontario* or any Mining Act previously in force, but shall apply so as to release the rights of the Crown where the locatee or the purchaser or any one deriving title under him is the lessee or owner of the mining claim. 8 Edw. VII. c. 16, s. 2 (3); 8 Edw. VII. c. 17, s. 4 (3); 8 Edw. VII. c. 18, s. 5 (3).

Purchaser  
may apply  
to have pine  
trees re-  
leased to  
him.

**55.** Upon the application of the locatee or purchaser of land in territory open for location and sale under Part II., who has obtained letters patent for the land or of any person deriving title under him, the Minister if satisfied that the land is not under timber license and has not more than 40,000 feet, board measure, of pine timber on it, may make an order releasing and discharging the land from the reservation of the pine timber thereon, and the order, or a certified copy of it, shall be registered in the proper registry division or Land Titles Office, and shall have the same effect as if the letters patent had not contained or been subject to any reservation of the pine trees. 9 Edw. VII. c. 15, s. 1.

Act subject  
to Forest  
Reserves  
Act.

10 Edw.  
VII. c. 8.

**56.** This Act shall be subject to the provisions of *The Forest Reserves Act*.

Right to  
make roads  
to be re-  
served in  
sales. etc.

**57.**—(1) In all sales, free grant locations, leases, licenses of occupation, mining claims and other dispositions of Public Lands or mining lands or mining rights, there shall be reserved to the Crown the right to construct on the land any colonization or other road or any road in lieu of or partly deviating from an allowance for road without making compensation therefor, and such right whether or not it is expressly reserved from the sale, location, lease, license of occupation, mining claim or other disposition of the land or by the letters patent when issued shall be deemed to be so reserved.

Not to  
apply to  
patented  
lands.

(2) Subsection 1 shall not apply where the land or the mining claim has been patented before the passing of this Act.

(3) In all sales, free grant locations, leases, licenses of occupation, mining claims and other dispositions of Public Lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of 5 per cent. of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of 5 per cent. of the area for roads, wood, gravel and other materials required for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by *The Ontario Public Works Act*.

Right to take wood, gravel and other materials for roads.

In certain cases without making compensation.

In other cases making compensation.

10 Edw. VII. c. 11.

(4) The rights mentioned in the preceding subsections may be exercised by the Minister or by any person authorized by him to exercise them on behalf of the Crown.

Minister or person authorized by him may exercise rights.

**58.** In all sales, free grant locations, leases, licenses of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he may deem necessary, for the erection of buildings and plant, and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land, and may, with the approval of the Lieutenant-Governor in Council, fix the terms and conditions upon which such water power or privilege and land may be sold or leased and developed. 61 V. c. 8, s. 1, *amended*; 6 Edw. VII. c. 10, s. 2.

Reservation of water power on Public Lands.

**59.** The enactments mentioned in the Schedule to this Act are hereby repealed.

Repeal.

#### SCHEDULE OF ENACTMENTS REPEALED.

Act.	Extent of Repeal.
R.S.O. 1897, c. 28.	The whole Act.
R.S.O. 1897, c. 29.	The whole Act.
R.S.O. 1897, c. 30.	The whole Act.
R.S.O. 1897, c. 33.	The whole Act.
62 Vict., c. 5.	Section 3.
6 Edw. VII. c. 10.	Section 3.
8 Edw. VII. c. 16.	The whole Act.
8 Edw. VII. c. 17.	The whole Act.
8 Edw. VII. c. 18.	The whole Act.
9 Edw. VII. c. 15.	The whole Act.
9 Edw. VII. c. 26.	Sections 33, 34 and 35.



## CHAPTER 7.

An Act respecting certain Leases of Lands in the  
Township of Matchedash.*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS in the month of December, 1903, John P. T. Secord, of the Town of Orillia, represented that he and a number of associates were desirous of embarking in the business of cattle ranching on extensive and energetic lines, and to enable them to carry out the enterprise were desirous to acquire a large block of land in the Township of Matchedash, and after negotiations with the Department of Crown Lands, a Lease was on the 3rd day of August, 1904, issued under the Great Seal of the Province of Ontario to John Pearson T. Secord, William Haight Manning, Frank Browne, Thomas Isaac Williams, Frederick Forbes Secord, and Sarah Jane Secord for a block of land in the said Township of Matchedash containing 10,928½ acres for a period of 20 years from the 1st day of May, 1904, at an annual rental of \$196.71, with right of renewal for another period of 20 years, and so on from time to time; and whereas the said Lessees were subsequently incorporated under the name of The Severn River Ranching Company, Limited, and applied to the said Department for another block of land in the said Township of Matchedash to enable them more successfully to carry on the said business of ranching, and another Lease was on the 4th day of February, 1905, issued under the said Great Seal to The Severn River Ranching Company, Limited, for another block of land in the said Township of Matchedash containing 3,533 acres, for a period of 20 years from the 1st day of May, 1904, at an annual rental of \$63.86, with similar right of renewal; and whereas the Lessees under the said Leases have utterly failed in entering upon the business of ranching which was the avowed object in acquiring the said lands and have made no attempt whatever to stock the said lands or any part thereof with cattle or sheep or any other animals and have

made

made no use whatever of any of the said lands; and whereas the locking up of so large a territory is highly injurious to the progress and prosperity of that section of that country;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may accept a <sup>The Lieutenant-Governor may accept surrenders of or cancel leases, etc.</sup> surrender or surrenders from the said Lessees upon such terms as may be agreed upon between the Minister of Lands, Forests and Mines and the said Lessees, or upon the report of the Minister of Lands, Forests and Mines that he is unable to agree with the said lessees as to such terms, the Lieutenant-Governor in Council may cancel and make void the said Leases, and upon such surrender or cancellation as the case may be the lands therein mentioned and described shall <sup>Thereupon the lands to be re-vested in the Crown.</sup> be re-vested in His Majesty to the same extent as if the said Leases had never been made.

2. Upon such surrender or cancellation the Minister <sup>Lands to be at disposition of Crown.</sup> of Lands, Forests and Mines shall be authorized and empowered to deal with and dispose of the said lands in the same way as other public lands in the Province.

## CHAPTER 8.

## An Act respecting Timber on Public Lands

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Crown Timber Act*.  
R.S.O. 1897, c. 32, s. 1.

Interpre-  
tation. **2.** In this Act,

"Depart-  
ment." (a) "Department" shall mean Department of Lands,  
Forests and Mines;

"Minister." (b) "Minister" shall mean Minister of Lands, Forests  
and Mines;

"Public  
Lands." (c) "Public Lands" shall include lands heretofore  
designated as Crown Lands, School Lands and  
Clergy Lands.

## LICENSES TO CUT TIMBER ON PUBLIC LANDS.

Minister  
may grant  
licenses to  
cut timber  
on Public  
Lands. **3.**—(1) The Minister, or any officer or agent authorized  
by him to do so, may grant licenses to cut timber on the  
ungranted Public Lands, and timber on patented lands  
where the timber on them remains the property of the  
Crown, at such rates, and subject to such conditions, regu-  
lations and restrictions as may from time to time be pre-  
scribed by the Lieutenant-Governor in Council.

Orders in  
Council to  
be pub-  
lished. (2) Notice of any Order in Council made under this  
section shall be published in the *Ontario Gazette*.

Period of  
license.  
Conflicting  
licenses. (3) No such license shall be granted for a longer period  
than twelve months from its date and if, in consequence  
of incorrectness of survey, or other error or from any other  
cause, a license is found to comprise lands included in a

license

license of an earlier date, the license last granted shall be void in so far as it interferes with the one previously granted, and the holder or proprietor of the license so rendered void shall have no claim upon the Crown for indemnity or compensation by reason of such avoidance. R.S.O. 1897, c. 32, s. 1.

4.—(1) The license shall describe the land upon which the timber may be cut, and shall confer for the time being on the licensee the right to take and keep exclusive possession of the land so described, subject to such conditions, regulations and restrictions as may be prescribed. Operation of license.

(2) The license shall vest in the holder all rights of property in all trees, timber and lumber cut within the limits specified in the license during the term thereof, whether the same are cut by authority of the holder of the license, or by any other person, with or without his consent. Rights of property conferred.

(3) The license shall entitle the holder to seize such trees, timber or lumber where the same are found in the possession of any unauthorized person, and also to maintain an action against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment and to recover damages, if any. Rights against unlawful possessor.

(4) All proceedings pending at the expiration of any license may be continued to final termination as if the license had not expired. R.S.O. 1897, c. 32, s. 3. Proceedings pending on expiry of license.

(5) The rights conferred on the licensee under this section and on the grantee under subsection 2 of section 6, shall be subject to the rights to which the locatee or purchaser of the land and those claiming under him, are entitled under *The Public Lands Act. New.* Rights subject to rights of locatee, etc. 3-4 Geo. V. c. 6.

5. All sales of pine timber limits, and all licenses or permits to cut pine timber on such limits shall be made, issued or granted subject to the conditions set out in the first regulation of Schedule A, and it shall be sufficient if such conditions are referred to as "The Manufacturing Condition" in all notices, licenses, permits, agreements or other writings. 61 V. c. 9, s. 1. Sales and licenses shall be subject to manufacturing condition.

6.—(1) All sales of timber limits, which confer the right to cut and remove spruce or other soft wood, trees or timber, other than pine, suitable for manufacturing pulp or paper, and all licenses or permits to cut the same on the limits so sold, and all agreements entered into or other authority conferred by the Minister by virtue of which such wood, trees Sales of timber limits and licenses issued to be subject to manufacturing condition.

or timber may be cut upon Public Lands, shall be made, issued or granted subject to the conditions set out in the first mentioned regulation of Schedule B, and it shall be sufficient if such conditions are referred to as "The Manufacturing Condition," in all notices, licenses, permits, agreements or other writings. 63 V. c. 11, ss. 1, 4.

Minister may grant rights to cut pulp wood.

(2) The Minister may with the approval of the Lieutenant-Governor in Council grant rights to cut pulp wood upon any of the lands mentioned in section 3 for such periods and for such consideration and subject to such conditions, regulations and restrictions as the Minister may deem proper but every such grant shall be subject to the manufacturing condition mentioned in subsection 1.

Grants heretofore made validated.

(3) All such grants heretofore made shall be as valid and binding as if this section had been in force at the time of the making of the grant. *New*.

Manufacturing regulations to apply to all licenses or permits.

7. The regulations set out in Schedules A and B shall respectively apply to all licenses or permits. 63 V. c. 11, s. 2.

Further regulations.

8. The Lieutenant-Governor in Council may make any further or additional regulations which he may deem necessary to enable the Minister to carry into effect the object and intent of the regulations contained in Schedules A and B. 63 V. c. 11, s. 3.

Grants of timber licenses prior to completion of settlement duties.

9. The Minister at any time before the completion of the settlement duties and the filing in the Department of proof of such completion may grant licenses covering or including lands sold by the Crown under *The Public Lands Act*, and the timber thereon. R.S.O. 1897, c. 32, s. 4.

Licenses may be issued after 3 years from date of sale.

10. All such licenses shall be good, valid and effectual though issued or renewed after the expiry of three years from the date of the sale of such lands. R.S.O. 1897, c. 32, s. 5.

#### TIMBER ON ROAD ALLOWANCES.

Government road allowances included in license to be deemed ungranted lands.

11.—(1) Every Government road allowance included in a timber license, granted under section 2, shall be deemed to be ungranted Public Lands, within the meaning of that section. R.S.O. 1897, c. 32, s. 7.

Rights of licensee.

(2) The licensee shall have all the rights in respect of every such road allowance, and the trees, timber and lumber thereon, or cut thereon, as were, or by section 2, might be conferred upon him in respect of any other Public Lands embraced

embraced in such license, and the trees, timber and lumber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of such road allowance. R.S.O. 1897, c. 32, s. 8.

(3) No by-law of any Municipal Council for preserving, selling, or otherwise appropriating or disposing of the timber or trees, or any part thereof, on a Government road allowance included in any license, shall have any force or effect against such license. R.S.O. 1897, c. 32, s. 9.

By-laws not to prevail against license.

**12.**—(1) Where a by-law of the council of a township, organized as a separate municipality, or of any united townships for preserving or selling the timber or trees on the Government road allowances within such township, or united townships included in any license is in force, the corporation of such township or united townships shall be entitled to be paid out of the Consolidated Revenue Fund a sum equal to two per centum of the dues received for or in respect of the timber or saw-logs cut within the township, or united townships under the authority of the license, while the by-law was in force.

Township Councils entitled to percentage of timber dues.

(2) Unless the Minister otherwise directs, no corporation shall be entitled to such payment unless a certified copy of the by-law, accompanied by an affidavit of the Reeve or Clerk, verifying the copy and the date of the passing of the by-law, is filed in the Department within six months from the passing of the by-law.

Terms on which Councils may obtain the percentage.

(3) The affidavit may be taken before any person or officer who, under *The Public Lands Act*, is authorized to take affidavits. R.S.O. 1897, c. 32, s. 11.

Who may take affidavits.

(4) All money so paid to a corporation shall be expended in the improvement of the highways situate within the township or within that one of the united townships in respect of which such money was paid. R.S.O. 1897, c. 32, s. 12.

Councils to expend percentage on highways.

[See *Public Lands Act*, ss. 44, 45 and 52, 53 and 55, as to Timber on Free Grant Lands.]

#### OBLIGATIONS OF PERSONS OBTAINING LICENSES.

**13.** Every person who cuts saw-logs on Public Lands shall cause to be kept in each shanty, camp, or lumbering establishment such records and books as may be prescribed by the Minister, which shall be open at all times to the inspection of any Crown timber agent, Crown timber Ranger,

Persons cutting saw-logs to keep record and deliver same to officer of Department.

or other officer of the Department, and shall at the end of the season be verified by the oath of the person who made the entries therein and be delivered to an officer of the Department authorized to receive the same. R.S.O. 1897, c. 32, s. 14; 6 Edw. VII. c. 10, s. 2.

Returns to  
be made by  
licensees.

**14.**—(1) Every person who obtains a license shall, at the expiration thereof, make to the officer or agent who grants the same, or to the Minister a return of the number and kind of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of square timber manufactured and carried away under the license; and the return shall be verified by the oath of the holder of the license, or his agent, or by his foreman.

Consequence  
of failure  
to make  
return.

(2) Every person who refuses or neglects to furnish such return or evades or attempts to evade any regulation made by the Lieutenant-Governor in Council, shall be deemed to have cut without authority, and the timber made shall be dealt with accordingly. R.S.O. 1897, c. 32, s. 15; 6 Edw. VII. c. 10, s. 2.

Following  
timber cut  
under  
license  
until dues  
are paid.

**15.**—(1) All timber cut under a license shall be liable for the payment of the Crown dues thereon, with interest thereon and expenses so long as and wherever the timber or any part of it may be found in Ontario, whether in the original logs or manufactured into deals, boards or other stuff.

Dues may  
be levied  
on other  
timber, etc.,  
cut under  
license.

(2) When any license holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw-logs, such dues, interest and expenses may be levied on any other timber or saw-logs, or their manufactured product, belonging to the defaulter, and cut under license, together with the dues thereon, and interest and the expenses incurred.

Timber,  
etc., may  
be followed.

(3) All officers or agents entrusted with the collection of such dues may follow all such timber, saw-logs or their manufactured product and may seize and detain the same wherever found until the dues, interest and expenses are paid or secured. R.S.O. 1897, c. 32, s. 16, (1).

Timber re-  
moved into  
Quebec.

**16.** Nothing in this Act shall repeal the provisions of section 4 of chapter 23 of the Consolidated Statutes of Canada, as regards timber removed into the Province of Quebec. R.S.O. 1897, c. 32, s. 16, (2).

Sale of tim-  
ber seized  
for non-pay-  
ment of dues.

**17.** If timber, saw-logs or their manufactured product seized and detained for non-payment of Crown dues remain

more



more than two months in the custody of the officer or agent without the dues, interest and expenses being paid, the Minister with the previous sanction of the Lieutenant-Governor in Council, may direct a sale of the same to be made after sufficient notice; and the owner shall be entitled to the proceeds of the sale, after deducting the amount of dues, interest and expenses and the costs incurred. R.S.O. 1897, c. 32, s. 18; 6 Edw. VII. c. 10, s. 2.

**18.** Bonds or promissory notes taken for the Crown dues either before or after the cutting of the timber, as collateral security, or to facilitate collection, shall not affect the lien of the Crown on the timber, but the lien shall subsist until the dues are actually paid. R.S.O. 1897, c. 32, s. 17.

The giving of bonds or notes not to affect the lien on the timber.

#### LIABILITY OF PERSONS CUTTING WITHOUT A LICENSE.

**19.**—(1) A person who without authority cuts or employs or induces any other person to cut, or assists in cutting timber of any kind on Public Lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, merchantable timber of any kind, so cut, shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing it for market, or conveying it to or towards market.

Persons cutting timber without license to acquire no rights thereby.

(2) Where the timber or the saw-logs made have been removed by any person out of the reach of the officers of the Department, or it is otherwise found impossible to seize them such person shall in addition to the loss of his labour and disbursements, be liable to pay \$15 for each tree other than pine and \$25 for each pine tree cut or caused to be cut and carried away, together with the full value of the timber or logs so cut or caused to be cut and carried away.

Penalty where timber illegally cut cannot be seized.

(3) Such sum shall be recoverable at the suit and in the name of the Minister, and the burden of proving his authority to cut shall be upon the person sued. R.S.O. 1897, c. 32, s. 19, *amended*.

Penalty recoverable by Minister. Burden of proof.

**20.**—(1) Where information, satisfactory to the Minister is received by him or by an officer or agent of the Department that any timber has been cut without authority on Public Lands, the Minister, officer or agent, may seize or cause to be seized the timber so reported to have been cut without authority, wherever it is found, and may place it under proper custody, until a decision can be had in the matter from competent authority. R.S.O. 1897, c. 32, s. 20, *amended*.

Timber alleged to be unlawfully cut may be seized.

Timber so cut and mixed with other timber.

(2) Where the timber has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed, the whole of the timber so mixed shall be deemed to have been cut without authority on Public Lands, and until satisfactorily separated by the owner shall be liable to seizure and forfeiture accordingly. R.S.O. 1897, c. 32, s. 21.

#### SEIZURE OF TIMBER, ETC.

Seizing officer may command assistance.

**21.** Any officer or person who, in the discharge of his duty under this Act, seizes timber may in the name of the Crown call in any assistance necessary for securing and protecting it. R.S.O. 1897, c. 32, s. 22.

Burden of proof that dues have been paid or that timber was not cut on Public Lands.

**22.** Where timber is seized for non-payment of Crown dues, or for any other cause of forfeiture, or where any prosecution is brought for any penalty or forfeiture under this Act, and a question arises whether the dues have been paid, or whether the timber was cut on Public Lands, the burden of proving payment, or that the timber was not cut on Public Lands, as the case may be, shall lie on the owner or claimant of the timber. R.S.O. 1897, c. 32, s. 23.

Timber seized to be forfeited if not claimed within one month.

**23.**—(1) All timber seized shall be forfeited unless the person from whom it was seized, or the owner of it, within one month from the day of seizure, gives notice to the seizing officer or nearest officer or agent of the Department that he claims or intends to claim it.

If not claimed sale may be ordered.

(2) Failing notice, the officer or agent seizing shall report the circumstances to the Minister, who may order the sale of the timber, by the officer or agent, after a notice posted up at or near the place of seizure at least thirty days before the sale. R.S.O. 1897, c. 32, s. 24.

Order for delivery of timber to claimant on security being given.

(3) The alleged owner or claimant of the timber seized may, upon at least four days' notice to the Minister, apply to a Judge of the County or District Court of the County or District in which the timber is, for an order for the delivery of the timber to him, and the Judge on receiving security by bond of the alleged owner or claimant, with two good and sufficient sureties, to be approved by the Minister, or by the officer or agent, in such sum as shall also be so approved to pay double the value of the timber in case the cause of forfeiture is established, may direct the delivery of such timber to such alleged owner or claimant.

(4) The bond shall be taken in the name of the Minister <sup>Delivery of bond.</sup> and shall be delivered to and be kept by him.

(5) The Judge, upon the application of either party, may <sup>Trying right of seizure.</sup> at a time and place to be fixed by him, of which the other party shall have at least seven days' notice, try and determine whether such seizure was or was not justifiable, and shall either declare the timber to be forfeited or order it to be released.

(6) If the timber is declared to be forfeited, the same <sup>When seizure upheld.</sup> shall be again delivered up to the Minister, or to the officer or agent of the Department, and the Minister may sell and dispose of it and apply the proceeds to the use of the Crown, or may allow the alleged owner or claimant to take the timber, upon the payment of such sum, for the use of the Crown as the Minister shall fix and determine.

(7) If the timber seized is forfeited for non-payment of <sup>When forfeited.</sup> Crown dues, then upon payment to the Minister, by the alleged owner or claimant of the unpaid dues with interest thereon and the costs and expenses incurred by the Minister, the timber may be surrendered to the alleged owner or claimant, and the bond may be cancelled; otherwise the penalty of the bond shall be enforced and may be recovered. R.S.O. 1897, c. 32, s. 25; 10 Edw. VII. c. 10, s. 2.

**24.** Every person who avails himself of any false state-<sup>Forfeiture of timber in case of fraud.</sup>ment or oath to evade the payment of Crown dues, shall forfeit the timber on which dues are attempted to be evaded. R.S.O. 1897, c. 32, s. 26.

**25.**—(1) Any agreement heretofore or hereafter entered <sup>Agreements for supplying wood or timber from Crown Lands for manufacturing of pulp, etc.</sup> into, by His Majesty or by the Minister with any person for the supply of wood or timber, to be used in the manufacture of pulp or similar material, to be taken from Public Lands shall not prevent His Majesty or the Minister from selling, leasing, granting or otherwise disposing of any of the wood or timber of the Crown not specifically sold or allotted to such person, or from issuing or granting licenses or permits to other persons to cut and take any wood or timber not so specifically sold or allotted, or from selling, leasing, granting or otherwise disposing of any Public Lands whether such lands are or are not included in such allotments or agreements or in licenses issued in pursuance of them; and other agreements may be made with any other persons to cut and take wood or timber from the Public Lands for making pulp or for similar or other purposes, without rendering His Majesty or the Minister liable in damages in case of the exhaustion of the supply of such wood or timber,

or of the inability of any person with whom a prior agreement was made to obtain a sufficient supply thereof during the whole period for which the agreement is to run or during which the supply of wood or timber is contemplated by any such agreement, unless in respect of any quantity so specifically sold or actually allotted, or the wood and timber upon specified lands actually allotted, or agreed to be allotted to or for such person and no claim or demand against His Majesty or the Minister shall be made or maintained through or by reason of such sale or other disposition.

Agreement  
not to  
extend  
beyond  
21 years.

(2) No such agreement shall extend beyond the period of twenty-one years from its date. R.S.O. 1897, c. 32, s. 27.

Suspension  
of licenses,  
etc., from  
25th April to  
1st August  
in case of  
danger of  
fire.

**26.**—(1) Whenever it shall be made to appear to the Minister that the operations of any holder or holders of a Timber License, Pulp Concession, Permit or other authority to cut timber are or are likely to be so conducted as to endanger any standing timber or cause the destruction thereof by fire, he shall have power by a writing under his hand to suspend the operation of the License, Pulp Concession, Permit or other authority at any time between the 25th day of April and the first day of August for such period as he shall deem expedient, and during such period all cutting of timber by the Licensee or other holder, his servants or agents, shall cease unless and until express leave therefor shall be granted by said Minister.

Penalty.

(2) Any violation of this provision shall render the licensee or other holder liable to a penalty of not less than ten dollars or more than one hundred dollars.

Forfeiture  
of license,  
etc., in case  
of disobedience.

(3) The Minister may in his discretion in case of such violation declare the License, Pulp Concession, Permit or other authority to cut timber to be forfeited, and all rights of the holder or holders thereof shall thereupon immediately determine, but such forfeiture shall in no way affect the liability of the holder or holders for any payments due the Crown in respect of timber cut or otherwise in connection therewith, and the right of the Crown to proceed under this Act to collect the same shall remain as if no such forfeiture had taken place.

Regulations.

(4) The Lieutenant-Governor in Council may make such regulations as he may deem necessary or proper to regulate the cutting of timber on Crown Lands between the twenty-fifth day of April and the first day of August, and may prescribe penalties for the contravention of any such regulations.

(5) The penalties imposed by or under the authority of this Act or of the Regulations shall be recoverable under *The Ontario Summary Convictions Act*.

**27.** This Act shall be subject to the provisions of *The Forest Reserve Act*.

<sup>10</sup> Edw. VII.  
c. 37.  
Act subject  
to Forest  
Reserve Act.  
<sup>10</sup> Edw. VII.  
c. 37.

**28.** Chapter 32 of the Revised Statutes of Ontario, 1897, and the Act passed in the 63rd year of the Reign of Her late Majesty Queen Victoria, chaptered 11, are hereby repealed.

Repeal.

## SCHEDULE A.

### MANUFACTURING CONDITIONS—PINE TREES.

1. All pine trees which may be cut into logs or otherwise under the authority of a license or permit to cut pine timber shall, except as hereinafter provided, be manufactured into sawn lumber in Canada, that is to say, into boards, deals, joists, lath, shingles or other sawn lumber, or into waney, board or square or other timber; and such condition shall be kept and observed by the holder of any such license or permit, and every other person who cuts or causes to be cut pine trees under the authority thereof, and all pine trees so cut into logs or otherwise, shall be so manufactured in Canada.

2. If any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him, or with his authority or permission, violates or refuses to keep and observe the provisions of the next preceding regulation, the license or permit as to the berth, territory or lot included in the license or permit, on which or on any part of which the pine trees were cut, and in respect of which or any part of which there was a breach of such regulation or a neglect or refusal to observe or keep it, shall be suspended and held in abeyance, and shall not be re-issued, nor shall a new license be issued unless and until so directed by the Lieutenant-Governor in Council, and then only upon such terms and conditions as he may prescribe.

3. The Minister, his officers, servants and agents may do all things necessary to prevent a breach of such regulation, and to secure compliance with it, and may, for that purpose take, seize, hold and detain all timber and logs cut on the berth, territory or lot included in the license or permit, which it appears to the Minister it is not the intention of the holder of the license or permit or the owner or person in possession of them to so manufacture or cause to be so manufactured in Canada, or to dispose of to others who will cause them to be so manufactured in Canada until security is given to His Majesty satisfactory to the Minister that the regulation will be kept and observed, and that such logs and timber will be so manufactured in Canada; and in the event of the neglect or refusal to give such security within four weeks after notice of the seizure and demand of security by or on behalf of the Minister, the Minister may sell, or cause to be sold, such logs and timber by public auction, after due advertisement, to some person who will give such security to His Majesty as the Minister may require that such logs and timber shall be so manufactured in Canada.

4. The proceeds of such logs and timber shall, after the sale and after deducting all expenses of such seizure and sale, and any sum owing to His Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berth or land by such holder, owner or person in possession, be paid over to the person entitled to the same.

5. Nothing in the preceding regulations which requires pine logs or timber to be manufactured in Canada, shall apply to logs or timber cut and in use in Canada for any purpose for which logs or timber in the unmanufactured state, are or may be used.

6. These regulations shall not apply to the east half of the township of Aweres, in the District of Algoma, containing  $18\frac{1}{2}$  square miles, nor to 22 square miles in the District of Thunder Bay, composed of berths 2, 3 and 4 of the timber sale of 1890.

61 V. c. 9, Sched. A.

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## SCHEDULE B.

### MANUFACTURING CONDITIONS—SPRUCE, OTHER SOFT WOOD, TREES OR TIMBER (NOT BEING PINE.)

1. All spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, cut under the authority of a license or permit shall, except as hereinafter provided, be manufactured in Canada, that is to say, into merchantable pulp or paper, or into sawn lumber, woodenware, utensils, or other articles of commerce or merchandise as distinguished from the spruce or other timber in its raw or unmanufactured state; and such condition shall be kept and observed by the holder of any such license or permit, and by every person who cuts or causes to be cut any such spruce, soft wood, trees or timber, under the authority thereof, and all such spruce, soft wood, trees or timber, cut into logs or lengths or otherwise, shall be so manufactured in Canada.

2. The cutting of spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, into cordwood, or other lengths, shall not be deemed to be manufacturing the same within the meaning of this regulation.

3. If any holder of a license or permit, or any servant or agent of such holder, or any person acting for him, or with his authority or permission, violates or refuses to keep and observe the foregoing regulations, the license or permit to cut spruce or other soft wood, trees or timber, not being pine, as to the berth, territory, or lot included in the license or permit on which or on any part of which the same was cut, and in respect of which or any part of which there was a breach of such regulations or a neglect or refusal to observe or keep them shall be suspended and held in abeyance, and shall not be re-issued, nor shall a new license or permit be issued unless and until so directed by the Lieutenant-Governor in Council, and then only upon such terms and conditions as he may prescribe.

4. The Minister, his officers, servants and agents may do all things necessary to prevent a breach of such regulations and to secure compliance with them, and may for that purpose, take, seize, hold and detain all logs, timber or wood so cut, and which it appears to the Minister it is not the intention of the holder of the

license or permit, or the owner or person in possession of them to manufacture, or cause to be so manufactured in Canada, or to dispose of to others who will cause them to be so manufactured in Canada until security is given to His Majesty satisfactory to the Minister that the regulations will be kept and observed, and that such logs, timber or wood will be so manufactured in Canada; and in the event of the neglect or refusal to give such security within four weeks after notice of the seizure and demand of security by or on behalf of the Minister, the Minister may sell or cause to be sold such logs, timber or wood by public auction after due advertisement to some person who will give such security to His Majesty as the Minister may require that they shall be so manufactured in Canada.

5. The proceeds of such logs, timber or wood shall, after the sale and after deducting all expenses of such seizure and sale, and any sum owing to His Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berth or limit by such holder, owner, or person in possession, be paid over to the person entitled to the same.

6. Nothing in the preceding regulations which requires spruce, soft-wood, trees, or other timber, not being pine, suitable for manufacturing pulp or paper, to be manufactured in Canada, shall apply to logs, timber or wood cut and in use in Canada for fuel, building or other purposes for which logs, timber or wood in the unmanufactured state are or may be used.

7. These regulations shall not apply to the east half of the township of Awares, in the District of Algoma, containing  $18\frac{1}{2}$  square miles.

63 V. c. 11, Sched. B.



## CHAPTER 9.

## An Act to amend The Forests Reserves Act.

*Assented to the 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw.  
VII. c. 8,  
amended.

1. Section 6 of the Act passed in the 10th year of the reign of His late Majesty, King Edward VII, and chaptered 8, intituled *The Forest Reserves Act*, is amended by striking out the words "townsite," in the first and second lines of said section, and inserting in lieu thereof, "site for a town or for any purpose other than that of agricultural settlement," and by striking out the word "town," in the fourth line thereof.

## CHAPTER 10.

An Act to amend The Mining Act of Ontario  
in respect to the Hours of Underground Em-  
ployment.

*Assented to the 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** *The Mining Act of Ontario* is amended by inserting <sup>s Edw. VII.</sup> therein the following section:— <sub>c. 21, amended.</sub>

159.—(1) No workman shall remain or be allowed to <sup>Hours of</sup> remain underground in any mine for more than <sup>labour</sup> eight hours in any consecutive twenty-four hours, <sup>under-</sup> which eight hours shall be reckoned from the <sup>ground.</sup> time he arrives at his place of work in the mine until the time he leaves such place, provided, <sup>Proviso.</sup> however, that

(a) A Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday.

(b) The said limit of time shall not apply to a shift boss, pump man, cage-tender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency where life or property is in imminent danger, or in any case of repair work, or to any mine where the number of men working in a shift does not exceed six.

(2) In this section

Interpreta-  
tion.

“Workman” means any person employed under-  
ground in a mine who is not the owner or  
agent or an official of the mine.

“Shift”

"Shift."

"Shift" means any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same.

Certificate  
of In-  
spector.

- (3) Where any question or dispute arises as to the meaning or application of paragraph (c) of subsection 1, or as to the meaning of "workman," "shift," or "underground," the certificate of the Inspector shall be conclusive.

Application  
of 8 Edw.  
VII. c. 8, ss.  
174, 175,  
179-181.

- (4) For greater certainty it is hereby declared that sections 174, 175, 179, 180 and 181 of this Act shall apply to contraventions of this section; provided, however, that a workman shall not be guilty of an offence for failure to return to the surface within the time limited by this section if he proves that without fault on his part he was prevented from returning owing to means not being available for the purpose.

Suspension  
of operation  
of section.

- (5) In the event of great emergency or grave economic disturbance, the Lieutenant-Governor in Council may suspend the operation of this section to such extent and for such period as he deems fit; or upon the Inspector certifying as regards any iron mine that the precautions, safeguards and arrangements for protecting the health, safety and comfort of the workmen employed therein are satisfactory and in compliance with this Act, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, in like manner suspend the operation of this section in so far as such mine is concerned.

Commence-  
ment.

- (6) This section shall come into effect on the first day of January, 1914, in all those parts of the Province without county organization, and in the remaining parts of the Province at such time as may be named by the Lieutenant-Governor by his proclamation.

## CHAPTER 11.

## An Act respecting Colonization Roads.

*Assented to the 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Colonization Roads Act*. Short title.
2. Grants may be made of such sums as may be voted for Grants for colonization roads. that purpose from time to time by the Legislature for the construction or repair or to aid in the construction or repair of such colonization roads as may be deemed necessary in any unsurveyed or unorganized portions of the Province, or in organized townships where roads are required to give access through unoccupied or sparsely occupied districts, or through districts unfit for cultivation or settlement, and such other roads as the Legislature upon the recommendation of the Minister of Public Works deems necessary for the proper settlement and development of that portion of Ontario referred to in section 3 of this Act.
- 3.—(1) The council of any municipality comprising one or more townships or a portion of a township or portions of one or more townships in any provisional judicial district or in the Provisional County of Haliburton, and the council of any township or union of townships in that portion of Ontario in which money is being expended in the building of colonization roads, may prepare and approve a by-law or by-laws designating any highway or highways in the municipality as highways to be improved under this Act, stating the amount to be expended therefor, but such by-law shall not be finally passed until the same has been submitted to the Minister of Public Works, who may approve, alter or modify the same Township by-law designating highways.

(2) The council may finally pass any by-law which has been so submitted to the Minister of Public Works and altered or modified by him, and it shall not be necessary to introduce and re-submit any by-law so modified or altered.

Amount  
of grant.

4. Upon the report and recommendation of the Minister of Public Works the Lieutenant-Governor in Council may direct that any sum being not less than one-third and not more than two-thirds of the estimated cost of the work upon the highways designated by such by-law as approved or modified by the Minister of Public Works may be paid to the municipality out of any appropriation made by the Legislative Assembly for that purpose.

Supervision  
and inspection.

5. Any work undertaken under this Act shall be carried out under the supervision of an inspector approved by the Minister of Public Works for that purpose, and shall conform to the prescribed regulations by the Public Works Department.

Payment  
of grant.

6. Upon the completion of any work of road improvement in pursuance of a by-law passed in accordance with section 3 of this Act or at any time during the progress of such work, the council of the municipality undertaking such work may submit to the Department of Public Works a statement setting forth the cost of such work to date, together with the declaration of the treasurer of such municipality that such statement is correct, and also the report of the inspector approved by the Minister of Public Works, that such work is in accordance with the regulations of the Public Works Department, and on receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the funds appropriated for such purpose of a sum not less than one-third and not more than two-thirds of the amount of such cost.

Township  
may contribute  
labour.

7. The proportion of the cost to be borne by any township or union of townships receiving aid under this Act may be paid in money, or may with the approval of the Minister of Public Works, be contributed in labour or partly in money and partly in labour, estimated at the rate of two dollars for a day of ten hours of faithful work, by each man employed, and four dollars a day of ten hours' faithful work for a man and team, but all such work shall be done under the control and to the satisfaction of the Inspector approved by the Minister of Public Works, and shall be certified by him.

8. The moneys required to meet any expenditure under this Act shall be paid by the Provincial Treasurer to the persons entitled thereto upon the recommendation of the Minister of Public Works out of such money as may be from time to time voted by the Legislature for that purpose.

Money to be voted by the Legislature.

9. All petitions or by-laws for work under this Act, the cost of which is to be paid in whole or in part by the Province shall be submitted to the Department of Public Works not later than ten days after the commencement of the session of the Legislative Assembly at which the money may be voted by the Legislature.

Submission of petitions and by-laws.

10. No member of the Council of any Municipality receiving grants of money for road purposes from the Province, shall be appointed or act as Inspector, foreman or in any other capacity upon the road work carried out under section 3 of this Act, and any such member who is appointed or who acts or is employed in contravention of this section shall be disqualified from sitting or voting in the Council of which he was a member at the time of his appointment or employment.

Members of council disqualified from employment.

11. The Act passed in the 7th year of the reign of His late Majesty, King Edward the Seventh, chaptered 17, is repealed.

Edw. VII. c. 17 repealed.

## CHAPTER 12.

An Act to validate certain By-laws passed and contract made pursuant to the Power Commission Act and amendments thereto respecting the Transmission of Electrical Power to Municipalities.

*Assented to the 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.     **1.** This Act may be cited as *The Power Commission Act, 1913.*

Certain corporations added as parties to contract with commission.

**2.** The Municipal Corporation of the City of Brantford; The Municipal Corporation of the City of Windsor, The Municipal Corporation of the Town of Goderich, the Municipal Corporation of the Town of Paris, the Municipal Corporation of the Town of Milton, the Municipal Corporation of the Town of Clinton, the Municipal Corporation of the Village of Elmira, the Municipal Corporation of the Village of Hagersville, The Municipal Corporation of the Village of Georgetown, The Municipal Corporation of the Village of Acton, The Municipal Corporation of the Village of Caledonia and the Municipal Corporation of the Police Village of Rockwood, are added as Parties of the Second Part to the contract set out in Schedule "A" to *The Power Commission Act, 1909*, as varied and confirmed by the said Act, and as further varied and confirmed by the Act passed in the tenth year of the reign of His late Majesty King Edward the Seventh, chaptered 16, as amended by the Act passed in the first year of the reign of His Majesty King George the Fifth, chaptered 16, and as amended by the Act passed in the second year of the reign of His Majesty, King George the Fifth, chaptered 14, and as amended by this Act, and the said contracts shall be binding upon the parties thereto respectively,



as to the City of Brantford, from the 4th day of November, 1912;  
 as to the City of Windsor, from the 20th day of December, 1912;  
 as to the Town of Goderich, from the 22nd day of January, 1913;  
 as to the Town of Paris, from the 9th day of November, 1912;  
 as to the Town of Milton, from the 5th day of November, 1912;  
 as to the Town of Clinton, from the 7th day of April, 1913;  
 as to the Village of Elmira, from the 28th day of February, 1913;  
 as to the Village of Hagersville, from the 11th day of November, 1912;  
 as to the Village of Georgetown from the 23rd day of December, 1912;  
 as to the Village of Acton, from the 30th day of April, 1912;  
 as to the Village of Caledonia, from the 26th day of July, 1912;  
 as to the Police Village of Rockwood, from the 23rd day of January, 1913.

3. The names of the said Municipal Corporations are added to Schedule "B" of the said contract, and such Schedule shall be read as containing the particulars set out in Schedule "A" to this Act. Contract amended.

4. The contracts set out as Schedules "B," "C," "D," "E," "F," "G," "H," "I," "J," and "K," hereto, between the Hydro-Electric Power Commission of Ontario and the Corporations of Welland, Port Dalhousie, Midland, Penetanguishene, Barrie, Coldwater, Stayner, Elmvale, Collingwood and Peterborough, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto respectively, and shall not be open to question upon any grounds whatsoever, notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or any other statute. Contracts with certain municipalities confirmed. 7 Edw. VII., c. 19.

5. By-laws Nos. 1216 and 1217, of the Corporation of the City of Brantford; By-laws confirmed.

By-law No. 7, of 1913, of the Corporation of the Town of Goderich;

By-law No. 465, of the Corporation of the Town of Milton;

By-law No. 232, of the Corporation of the Village of Elmira;

By-law

By-law No. 178, of the Corporation of the Village of Hagersville;

By-law No. 351, of the Corporation of the Village of Georgetown;

By-law No. 449, of the Corporation of the Village of Acton;

By-laws Nos. 143 and 147, of the Corporation of the Village of Caledonia;

By-law No. 3, of the Corporation of the Police Village of Rockwood;

By-laws Nos. 432 and 460, of the Corporation of the Town of Welland;

By-law No. 321, of the Corporation of the Village of Port Dalhousie;

By-law No. 772, of the Corporation of the Town of Midland;

By-laws Nos. 447 and 448, of the Corporation of the Town of Penetanguishene;

By-law No. 771, of the Corporation of the Town of Barrie;

By-laws Nos. 33 and 34, of the Corporation of the Village of Coldwater;

By-law No. 485, of the Corporation of the Town of Stayner.

By-laws Nos. 662 and 663, of the Corporation of the Township of Flos;

By-laws Nos. 783 and 795, of the Corporation of the Town of Collingwood;

By-laws Nos. 1704 and 1713, of the Corporation of the City of Peterborough;

By-laws Nos. 346 and 350, of the Corporation of the Town of North Bay;

By-law No. 11 of the Township of Eramosa passed on the 13th day of January, 1913;

are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively

tively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or of any other Statute.

6. By-law No. 1353, of the Corporation of the City of Windsor, passed on the 4th day of July, 1910, to provide for the issue of debentures to the extent of one hundred thousand dollars for the cost of a plant to distribute electric power, and By-law No. 568, of the Corporation of the Town of Paris to authorize the issue of debentures to the extent of twenty-five thousand dollars for the purpose of extending the electric system of the said Town, and By-law No. 541 of the said Corporation of the Town of Paris, are hereby confirmed and declared to be legal, valid and binding, notwithstanding any defect in substance or form therein, or any irregularity in the manner of passing the same, and the debentures issued, as provided by the said By-laws shall be legal and valid and binding upon the said Corporations respectively, and the said ratepayers thereof.

7. By-law Number 715 of the Municipal Corporation of Dundas, appointing a Water, Light and Power Commission, By-laws, 715 Dundas, 1044 Galt, 714 Ingersoll, confirmed.

By-law Number 1044 of the Municipal Corporation of the Town of Galt, appointing a Water, Light and Power Commission; and

By-law Number 714 of the Municipal Corporation of the Town of Ingersoll, appointing a Water, Light and Power Commission,

are hereby confirmed and declared to be legal, valid and binding as from the respective dates of the passing thereof.

## SCHEDULE A.

Additions to Schedule B, to the Contract set out in Schedule A to 9 Edw. VII., c. 19.

Name of Municipal Corporation.	Maximum price of power at Niagara Falls.	No. of Volts.	Quantity of Power applied for in H. P.	Estimate of maximum cost of power ready for distribution in municipality.	Estimate of proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate of proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.
Brantford . . . . .		1,200	19 50		107,700	6,353
Windsor . . . . .		2,500	38 00		1,227,800	25,896
Goderich . . . . .		700	37 00		151,630	10,802
Paris . . . . .		600	21 00		62,928	3,551
Milton . . . . .		700	28 00		116,963	6,516
Clinton . . . . .		300	41 00		94,470	4,105
Elmira . . . . .		200	38 00		49,180	2,948
Hagersville . . . . .		150	33 21		32,868	1,725
Georgetown . . . . .		200	36 00		45,214	2,778
Acton . . . . .		200	36 00		43,434	2,801
Caledonia . . . . .		25	29 10		3,515	268
Rockwood . . . . .		50	38 00		12,676	715

## SCHEDULE B.

THIS INDENTURE made in duplicate this 30th day of September, in the year of our Lord, A.D. 1912.

BETWEEN

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

Party of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF  
WELLAND, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS pursuant to an Act to provide for the transmission of electrical power to Municipalities the Corporation applied to the Commission for a supply of power and the electors of the Corporation assented to a By-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation set forth, subject to the provisions of said Act and amendments and of the said contract, the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date 100 H.P. of electrical power to the Corporation.

(b)

(b) At the expiration of thirty (30) days' notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power when called for in blocks of 50 H.P. each until 1000 H.P. is being delivered or is reserved by the Company. And then in blocks of 100 H.P. each for any additional power.

(c) To use at all times first class, modern, standard, commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 12,000 volts or 2,200 volts—as may be agreed.

2. In consideration of the premises and of the covenants and agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in Paragraph 1 (a).

(b) Subject to the provisions of Paragraph 2 (h) herein to pay the Commission the cost price per H.P. per annum to the Commission for all power taken.

(c) Further to pay annually interest at the rate of four per cent. (4%) per annum on moneys expended, if any, by the Commission on capital account for the construction of necessary works, if any, required to supply said power for the said Corporation.

(d) Also to pay an annual part of the cost of construction of the said works so as to form in 30 years a sinking fund for the retirement of any securities issued by the Province of Ontario in connection herewith.

(e) To pay any cost of operating, maintaining, repairing, renewing and insuring the said works.

(f) The amounts payable in accordance with Clauses 2 (b) and (c) shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(g) To take electric power exclusively from the Commission during the continuance of this agreement.

(h) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(i) To use at all times first class, modern, standard commercial apparatus and plant to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for thirty years from the date hereof.

4. (a)—The power so taken shall be measured at the 12,000 volt side of the step-down transformers in the sub-station in the Corporation by Graphic Recording Curve Drawing Meters, subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages and not by way of penalty, as follows:—For any interruption less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the

time

time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such municipal corporation, person, firm or corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings to bring such actions for or on behalf of such municipal corporation, person, firm, or corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. If difference arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner:

when



when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If difference arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public matters.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporation seals and the hands of their proper officers.

#### HYDRO-ELECTRIC POWER COMMISSION.

(Signed) A. BECK, Chairman. [Seal]

(Signed) W. W. POPE, Secretary.

#### MUNICIPAL COUNCIL TOWN OF WELLAND.

(Signed) G. W. SUTHERLAND, [Seal]  
Mayor.

(Signed) GEORGE R. BOYD, Clerk.

(Signed) F. A. MILLEN, Witness

#### SCHEDULE C.

THIS INDENTURE made in duplicate the 23rd day of August in the year of our Lord, 1912.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF  
ONTARIO, hereinafter called the "Commission,"  
Party of the First Part,

--and--

THE MUNICIPAL CORPORATION OF THE VILLAGE OF  
PORT DALHOUSIE, hereinafter called the "Corporation,"  
Party of the Second Part.

Whereas, pursuant to "An Act to provide for transmission of electrical power to municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Ontario Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date 100 H.P. or more of electric power to the Corporation.

(b)

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 25 H.P. each until 250 is being delivered or is reserved, and then in blocks of 100 H.P. each.

(c) To use at all times first class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 25 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission \$17.00 per H.P. per year for all power taken.

(c) To pay in addition annually, interest at 4% per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line from the St. Catharines Station of the Ontario Power Co., and the other necessary works required for the delivery of power.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in 30 years a sinking fund for the repayment of the moneys advanced by the Province of Ontario, in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month.

If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(g) To use at all times first class modern, standard commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for thirty (30) years from date hereof. If the contract above referred to between the Commission and the Ontario Power Co. is continued beyond the above 30 years, the Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of 5 years duration and the second of such length that the expiry thereof shall fall on the 1st day of April, 1950.

4. The power shall be approximately 2,200 volts, 25 cycle, 3 phase alternating commercially continuous twenty-four hour power every day in the year except as provided herewith, and shall be delivered by the Commission to the Corporation at the Corporation Limits which shall be the point of measurement.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation, or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the Corporation if it so desires.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:— For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

9. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distribution company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation,

but

but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

10. In case any Municipal Corporation, or any person, firm or corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm or corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such Municipal Corporation, person, firm or corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or corporation shall not be hereby prejudiced.

11. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such difference and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. If differences arise between the Corporation and the Commission, the Lieutenant-Governor-in-Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor-in-Council shall in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

13. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) A. BECK, Chairman. [Seal]

(Signed) W. W. POPE, Secretary.

(Signed) WM. G. SUTTON, Reeve. [Seal]

(Signed) J. W. A. WAUGH,  
Village Clerk.

## SCHEDULE D.

THIS INDENTURE made in duplicate the 20th day of July, in the year of our Lord, 1911.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF  
ONTARIO, hereinafter called the "Commission,"

Party of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF  
MIDLAND, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to Municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway & Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation:—

(a) At the expiration of thirty days' notice in writing from the Corporation to the Commission, to reserve and deliver when called for 400 H.P. or more of electric power to the Corporation. Said notice shall be given not later than June 15th, 1911.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 50 H.P. each until 500 H.P. is being delivered or is reserved by the Power Company, and then in blocks of 100 H.P. each until the total amount so reserved or delivered shall amount to 1,600 H.P.

(c) To use at all times first class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to give notice as specified in paragraph 1 (a).

(b) Subject to the provisions of paragraph 2 (e) hereof, to pay the Commission the following prices, \$21 per H.P. per annum for all power reserved or taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$20 per H.P. per annum for all of any proportion thereof reserved or taken by the Corporation.

When



When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$19 per H.P. per annum for all of any proportion thereof reserved or taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$17.50 per H.P. per annum for all of any proportion thereof reserved or taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 1,600 H.P. unless the Power Company has power available or capable of development.

(c) The power shall be paid for in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the Power Factor.

(f) To use at all times first class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(g) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the expiration of the said first notice of 30 days. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.



(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway & Power Company or otherwise, the Corporation may, at its option, continue this agreement for a further term of twelve years duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice in writing of its intention to continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herewith, and shall be delivered by the Commission to the Corporation at the Low Tension out-let bushings of the Sub-station of the Simcoe Railway & Power Co., at the outskirts of the Town of Midland.

(a) The power so taken shall be measured at the 2,200 volt switchboard in said Sub-station by Graphic Recording Curve Drawing Meters, subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the Sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:—For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and six times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Town of Midland, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such municipal corporation, person, firm or corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such municipal corporation, person, firm or corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such

Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. If differences arise between corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the power that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the corporation and the Commission, the Lieutenant-Governor-in-Council may, upon application fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

#### HYDRO-ELECTRIC POWER COMMISSION.

(Signed) A. BECK, Chairman.

[Seal.]

(Signed) W. W. POPE, Secretary.

(Signed) DIGLEY HARSELL, Mayor.

[Seal.]

(Signed) FRANK B. WESTON, Clerk.

#### SCHEDULE E.

THIS INDENTURE made in duplicate the Second Day of May, in the year of our Lord One Thousand Nine Hundred and Eleven:

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission,"

Party of the first part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF PENETANGUISHENE, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway & Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation—

(a) To reserve and deliver at the earliest possible date 200 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing, which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 50 H.P. each until 500 H.P. is being delivered or is reserved, and then in blocks of 100 H.P. each until the total amount so reserved or delivered shall amount to 1,600 H.P.

(c) To use at all times, first class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission the following prices:—\$20 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19 per H.P. per annum, for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 1,600 H.P. unless the Power Company has power available or capable of development.

(c) To pay in addition, annually, interest at 4 per cent. per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line from the Midland Station of the Simcoe Railway & Power Co., the transformer station and equipment in Penetanguishene, and the other necessary works required for the delivery of power, and transforming it from 22,000 volts to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in 30 years a sinking fund for the repayment of the moneys advanced by the Province of Ontario in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d)

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first class modern, standard commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the expiration of the said first notice of 30 days. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway & Power Company or otherwise, the Corporation may, at its option, continue this agreement for a further terms of twelve years' duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to

continue

continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a), exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herewith, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the sub-station in the Corporation Limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the customer if it so desires.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and



ascertained damages, and not by way of penalty, as follows:— For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and six times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any moneys payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the prices to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm or Corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such Municipal Corporation, person, firm, or Corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.



10. If differences arise between Corporations to whom the Commission is supplying power the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such differences and such adjustments shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Lieutenant Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION.

(Signed) A. BECK, Chairman.

(Seal)

(Signed) JOHN HENDRIE.

(Seal)

Town of Penetanguishene.

Signed, J. A. IRVING, Mayor.

Signed, H. H. HEWSON, Town Clerk.

#### SCHEDULE F.

THIS INDENTURE made in duplicate the 9th day of July, in the year of our Lord, A.D. 1912.

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission,"

Party of the First Part.

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF BARRIE, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to Municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway and Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract the Commission agrees with the Corporation.

(a) To reserve and deliver at the earliest possible date 700 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 100 H.P. each up to the limit of the capacity of the Power Company.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at your present station at approximately 2,200 volts and at approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission the following prices: \$20 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 00000 H.P., unless the Power Company has power available or capable of development.

(c) To pay in addition annually, interest at 4 per cent. per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line, the transformer station equipment, and the other necessary works required for the delivery of power and transforming it from 22,000 to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in 30 years a sinking fund for the repayment of the monies advanced by the Province of Ontario in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d)

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and with notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first-class, modern, standard, commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the first delivery of power under this contract. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years' duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway and Power Company or otherwise, the Corporation may, at its option, continue this agreement for a further term of twelve years' duration.

(b) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(c) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by

giving

giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycles, two phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herein, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the sub-station in the Corporation Limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected by giving a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation, or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the Customer if it is so desired.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:— For any interruption of less than one hour, double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered

during

during the time of such interruption, and six times the last mentioned amount in addition thereto, and all monies payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said Line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any electric railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm, or Corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for, on or behalf of such Municipal Corporation, person, firm, or Corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or corporation shall not be hereby prejudiced.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment

shall

shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final, the Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporation seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Signed) A. BECK. [Seal.]

(Signed) W. K. McNAUGHT.

CORPORATION OF THE TOWN OF BARRIE,

(Signed) ALEX. COWAN, *Mayor*.

(Signed) E. DONNELL, *Clerk*. [Seal.]

#### SCHEDULE G.

THIS INDENTURE made in duplicate the 24th of June, in the year of our Lord, A.D. 1912.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission,"  
Party of the First Part.

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF COLDWATER, hereinafter called the "Corporation,"  
Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to Municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into contract with the Simcoe Railway and Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. Now therefore this Indenture Witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation:—

(a)

(a) To reserve and deliver at the earliest possible date 200 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 100 H.P. each up to the limit of the capacity of the Power Company.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission the following prices: \$20 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 00000 H.P. unless the Power Company has power available or capable of development.

(c) To pay in addition annually, interest at 4 per cent. per annum upon the monies expended by the Commission on capital account for the construction of the transmission line, the transformer station equipment, and the other necessary works required for the delivery of power and transforming it from 22,000 to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in 30 years a sinking fund for the repayment of the monies advanced by the Province of Ontario, in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of



each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amounts ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent, the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first-class, modern, standard, commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the first delivery of power under this contract. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years' duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway and Power Company or otherwise, the Corporation may, at its option, continue this agreement for a further term of twelve years' duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two

years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herein, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the sub-station in the Corporation limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement.

That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation, or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the Customer if it is so desired.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:— For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered

during

during the time of such interruption, and six times the last mentioned amount in addition thereto, and all monies payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. It at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm, or Corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any Acts, decision or rule to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm, or Corporation shall not be hereby prejudiced.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall

be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

#### HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) A. BECK. [Seal.]

(Signed) W. K. McNAUGHT.

#### COLDWATER VILLAGE SEAL.

(Signed) C. H. MILLARD, *Reeve*.

(Signed) J. H. RENNIE, *Clerk*.

#### SCHEDULE H.

THIS INDENTURE made in duplicate the 15th day of February, in the year of our Lord One Thousand Nine Hundred and Thirteen.

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Commission,"

Party of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF STAYNER, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to Municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway & Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date 125 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance

continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 25 H.P. each up to the limit of the capacity of the Power Company.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 60 cycles per second.

In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission the following prices:—\$20.00 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 1,500 H.P., unless the Power Company has power available or capable of development.

(c) To pay in addition annually, interest at 4 per cent. per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line, the transformer station equipment, and the other necessary works required for the delivery of power and transforming it from 22,000 to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in thirty years a sinking fund for the repayment of the monies advanced by the Province of Ontario, in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and con-

ditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first-class, modern standard, commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the first delivery of power under this contract. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years' duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway and Power Company or otherwise, the Corporation may, at its option, continue this agreement by a further term of twelve years' duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to continue this agreement for the third term until the expiry date of September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the terms falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power



every day in the year except as provided herewith, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the sub-station in the Corporation Limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation, or any other constants of the transformers and the transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representatives or representative of the customer if it so desires.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation, and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strikes, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed the Commission shall, without any delay, supply said power as aforesaid, and the Corporation shall take the same, and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:—For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and six times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.



8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions of such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm or Corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor-in-Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor-in-Council shall, in a

summary manner, when possible, adjust such differences, and such adjustment shall be final. The Lieutenant-Governor-in-Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) A. BECK, *Chairman*.

[Seal.]

(Signed) W. W. POPE, *Secretary*.

THE CORPORATION OF THE TOWN OF STAYNER.

(Signed) D. G. BELL, *Mayor*.

[Seal.]

(Signed) JNO. HOOK, *Clerk*.

#### SCHEDULE I.

THIS INDENTURE made in duplicate the 10th day of December, in the year of our Lord One Thousand Nine Hundred and Twelve.

BETWEEN

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

Party of the First Part,

—and—

MUNICIPAL CORPORATION OF THE POLICE VILLAGE  
OF ELMVALE, hereinafter called the "Corporation,"

Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for the transmission of electrical power to municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway and Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date 125 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 100 H.P. each up to the limit of the capacity of the Power Company.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d)

(d) The power shall be delivered to the Corporation at approximately 4,000 volts and at approximately 60 cycles per second.

2. IN CONSIDERATION OF THE PREMISES and of the agreement herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission the following prices:—\$20.00 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 1,500 H.P., unless the Power Company has power available or capable of development.

(c) To pay in addition annually, interest at 4 per cent. per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line, the transformer station equipment, and the other necessary works required for the delivery of power and transforming it from 22,000 to 4,000 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form a thirty-year sinking fund for the repayment of the moneys advanced by the Province of Ontario in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission in Toronto, and bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any months shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve

reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the first delivery of power under this contract. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway and Power Co., or otherwise, the Corporation may, at its option, continue this agreement for a further term of twelve years duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 4,400 volts, 60 cycle, 3-phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herein, and shall be delivered by the Commission to the Corporation at the 4,400 volt terminals of the step-down transformers in the sub-station in the Corporation limits.

(a) That the meters with their series or potential transformers may be connected to the high tension or low tension side of the transformers, or some connected to one side or some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be sub-

ject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission, as to the efficiency, regulation, or any other constants of the transformer and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the customer if it is so desired.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, acts of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall, without any delay, supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:— For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and six times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payment.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the

Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of the Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm, or Corporation would, if the Power Company had made the said contract direct with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or corporation including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Signed) A. BECK, *Chairman*.

[Seal.]

(Signed) W. W. POPE, *Secretary*.

CORPORATION OF THE POLICE VILLAGE OF ELMVALE.

[Seal.]

(Signed) W. A. SNEATH,

[Seal.]

(Signed) W. J. MCGUIRE,

(Signed) MARK W. LITTLE.

#### SCHEDULE J.

THIS INDENTURE made in duplicate the 24th day of July, in the year of our Lord One Thousand Nine Hundred and Twelve.

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF  
ONTARIO, hereinafter called the "Commission,"  
Party of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF  
COLLINGWOOD, hereinafter called the "Corporation,"  
Party of the Second Part.

WHEREAS, pursuant to "An Act to provide for transmission of electrical power to Municipalities," the Corporation applied to the Commission for a supply of power, and the Commission have entered into a contract with the Simcoe Railway & Power Co., and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act, and of the said contract, the Commission agrees with the Corporation,—

(a) To reserve and deliver at the earliest possible date 700 H.P. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 100 H.P. each up to the limit of the capacity of the Power Company.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d)



(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof to pay the Commission the following prices:—\$20.00 per H.P. per annum for all power taken until the demands of the Commission on the Power Company shall equal or exceed 500 H.P.

When the demand of the Commission on the Power Company shall have increased to 500 H.P. to pay \$19.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,000 H.P. to pay \$18.00 per H.P. per annum for all or any proportion thereof taken by the Corporation.

When the demand of the Commission on the Power Company shall have increased to 1,500 H.P. to pay \$16.50 per H.P. per annum for all or any proportion thereof taken by the Corporation.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the demand of the Commission on the Power Company exceeds 1,500 H.P., unless the Power Company has power available or capable of development.

(c) To pay in addition, annually, interest at 4 per cent. per annum upon the moneys expended by the Commission on capital account for the construction of the transmission line, the transformer station equipment, and the other necessary works required for the delivery of power and transforming it from 22,000 to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in 30 years a sinking fund for the repayment of the moneys advanced by the Province of Ontario in connection with this work.

Also to pay the cost of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the Office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount

of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for it, and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for ten years from the date of the first delivery of power under this contract. The Corporation may, at its option, continue this agreement for one or two further consecutive terms, the first of these two additional terms being of five years duration, and the second of such length that the expiry thereof shall fall on the 10th day of September, 1929.

(a) Provided, however, that in the event of the Commission being in a position to furnish power either by a further agreement with the Simcoe Railway & Power Company or otherwise, the Corporation may, at its option, continue this agreement for a further term of twelve years duration.

(b) The Corporation may exercise the first of these options by giving notice in writing of its intention to continue this agreement for the second term of five years at least two years before the expiration of the first term of ten years.

(c) The Corporation may exercise the second of these options by giving notice to the Commission in writing of its intention to continue this agreement for the third term until the expiry date on September 10th, 1929, at least two years before the expiration of the second term of five years.

(d) The Corporation may, subject to the conditions set out in paragraph 3 (a) exercise the further option therein mentioned by giving the Commission notice in writing of its intention to continue this agreement for the further term of twelve years at least two years before the expiration of the term falling on the 10th day of September, 1929.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herein, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the sub-station in the Corporation Limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of

the

the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission, as to the efficiency, regulation, or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representative or representatives of the Customer if it is so desired.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Power Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, as follows:—For any interruption of less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more the amount payable for the power which should have been delivered during the time of such interruption, and six times the last mentioned amount in addition thereto, and all moneys payable under this paragraph, when the amount thereof is settled between the Commission and the Company, may be deducted from any money payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without

Without discrimination in favor of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of the said Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the Municipal Corporation, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the Corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

9. In case any Municipal Corporation, or any person, firm or Corporation which shall contract with the Commission or with any Municipal Corporation for a supply of power furnished to the Commission by the Power Company shall suffer damages by the act or neglect of the Power Company, and such Municipal Corporation, person, firm, or corporation would, if the Power Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation and notwithstanding any Acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

11. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

12. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Signed) A. BECK.

[Seal.]

(Signed) W. K. McNAUGHT.

[Seal.]

THE CORPORATION OF THE TOWN OF COLLINGWOOD,

(Signed) Per ROBT. GILPIN, *Mayor*.

(Signed) J. H. DUNCAN, *Clerk*.

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#### SCHEDULE K.

THIS INDENTURE made in duplicate the 5th day of March, in the year of our Lord One Thousand Nine Hundred and Thirteen.

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF  
ONTARIO, hereinafter called the "Commission,"  
Party of the First Part.

--and--

THE MUNICIPAL CORPORATION OF THE CITY OF  
PETERBORO, hereinafter called the "Corporation,"  
Party of the Second Part,

Whereas, pursuant to "An Act to Provide for the Transmission of Electrical Power to Municipalities known as the Power Commission Act and Amendments thereto," the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to By-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation,

(a) To reserve and deliver at the earliest possible date 1,000 H.P. or more of electrical energy and power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric energy and power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d)

(d) The power shall be delivered to the Corporation at a voltage suitable for distribution and at a frequency of approximately 60 cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually interest at 4 per cent. per annum upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other work necessary for the delivery of said electrical energy or power delivered to the Corporation under the terms of this contract.

Also to pay the Corporation's proportionate part, based as aforesaid of the cost of lost power, operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works.

Also to pay a proportionate part based as aforesaid, of any administration and rentals which may be necessary.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in



reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent. the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be at a voltage suitable for local distribution, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year, and shall be delivered by the Commission to the Corporation at the distribution bus bars in the Corporation's distribution station within the Corporation limits.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, loss, power, cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation or, pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply

power



power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof, no power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and without discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting Enquiries concerning Public Matters.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) A. BECK, Chairman.

(Signed) W. W. POPE, Secretary.

[Seal.]

THE CORPORATION OF THE CITY OF PETERBORO.

(Signed) W. H. BRADBURN, Mayor, Peterboro.

(Signed) S. R. ARMSTRONG, Clerk.

(Seal)

## CHAPTER 13.

## An Act respecting Government House Property.

*Assented to 6th May, 1913.*

**W**HEREAS by Letters Patent dated the first day of <sup>Preamble.</sup> June, 1912, the property known as the Government House property which is particularly described in the schedule hereto was granted unto The Canadian Pacific Railway Company;

Now Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Letters Patent set out in the Schedule hereto are <sup>Letters</sup> ratified and confirmed and declared legal and valid for all <sup>Patent</sup> purposes from the date thereof, and, the lands therein <sup>Confirmed.</sup> described are declared to have been from the said date vested in fee simple in the Canadian Pacific Railway Company, free from all claim or encumbrances whatsoever.

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### SCHEDULE

(Sgd.) J. M. Gibson.

PROVINCE OF ONTARIO.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

WHEREAS The Canadian Pacific Railway Company hath contracted and agreed for the absolute purchase of the lands and tenements hereinafter mentioned and described, at and for the price or sum of Eight Hundred Thousand Dollars (\$800,000.00) of lawful money of Canada, and of which lands we are seized in right of our Crown;

NOW

NOW KNOW YE that in consideration of the said sum of Eight Hundred Thousand Dollars (\$800,000.00) well and truly paid to Our use at or before the sealing of these presents We have granted and by these presents do grant unto The Canadian Pacific Railway Company in fee simple, all that parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York, and Province of Ontario, containing by admeasurement six and nineteen one hundredths acres be the same more or less and being composed of Lots five, six, seven, eight, nine and part of Lot ten on the north side of Simcoe Place and of Lots twenty-six, twenty-five, twenty-four, twenty-three, twenty-two and part of Lot twenty-one on the South side of Russell Square, which said parcel or tract of land may be otherwise described as follows that is to say:—the property known as Government House Property, situate at the South West corner of King and Simcoe Streets in the City of Toronto, having a frontage on King Street of six hundred and seventeen feet, more or less; on Simcoe street, a frontage of Four hundred and thirty-seven feet, more or less, and on Wellington Street, a frontage of six hundred and seventeen feet, more or less, together with all buildings thereon and all appurtenances thereto belonging.

GIVEN under the Great Seal of Our Province of Ontario, Witness: His Honour SIR JOHN MORISON GIBSON, Knight Commander of Our Most Distinguished Order of St. Michael and St. George, a Colonel in our Militia of Canada, &c., &c., &c., Lieutenant-Governor of Our Province of Ontario.

At Our Government House, in Our City of Toronto, in Our Province of Ontario, this first day of June, in the year of Our Lord, one thousand nine hundred and twelve, and in the third year of Our Reign. By command of the Lieutenant-Governor in Council.

(Sgd.) J. O. REAUME,  
Minister of Public Works.

(Sgd.) W. J. HANNA,  
Provincial Secretary.

## CHAPTER 14.

## An Act to amend The Queen Victoria Niagara Falls Park Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Subsection 2 of section 21 of *The Queen Victoria Niagara Falls Park Act* is amended by striking out the figures "23," in the second line and substituting therefor the figures "24."

10 Edw. VII.  
c. 21, s. 21,  
subs. 2.

**2.** Section 22 of the said Act is amended by inserting after the figures "1912" in the fifth line the words and figures "1913, 1914 and 1915, 1916 and 1917."

10 Edw. VII.  
c. 21, s. 22,  
amended.

**3.** The said section is further amended by adding thereto the following section:—

10 Edw. VII.  
c. 21, s. 22.

**23a.** Before any expenditure on capital account is made out of such revenues and rentals in respect of any works within the Park or on premises under the control of the Commissioners, the estimates therefor shall be submitted to and approved of by the Lieutenant-Governor in Council.

Estimates  
to be  
approved  
of by  
Lieutenant-  
Governor  
in Council.

**4.** The said Act is amended by adding the following section:—

10 Edw. VII.  
c. 21,  
amended.

**23b.** All revenues and rentals which are not required for the purposes set out in sections 21 and 23, shall on or before the first of July in each year be paid over by the Commissioners to the Treasurer of Ontario, and shall form part of the Consolidated Revenue Fund of Ontario.

Appropriation of  
certain  
revenues.

## CHAPTER 15.

## An Act respecting Provincial Parks.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
The Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title.      **1** This Act may be cited as *The Provincial Parks Act*.

Interpreta-  
tion.

**2.** In this Act the "Minister" shall mean the Minister of Lands, Forests and Mines or the Minister to whom the control and management of a Park is assigned. *See* 10 Edw. VII. c. 22, s. 2. *Amended.*

## PART I.

Lieutenant-  
Governor  
may with-  
draw from  
sale land  
the prop-  
erty of the  
Crown.

3-4 Geo. V.,  
c. 6.  
8 Edw. VII.  
c. 21.

**3.** The Lieutenant-Governor in Council may withdraw from sale, settlement and occupancy under the provisions of *The Public Lands Act*, and *The Mining Act of Ontario*, any tract of land being the property of the Crown, and not suitable for settlement or agricultural purposes, and may reserve and set apart the same as a public park and forest reserve, fish and game preserve, health resort and pleasure ground, for the benefit, advantage and enjoyment of the people of Ontario, and for the protection of the fish, birds, game and fur-bearing animals therein, subject to the provisions of this Act and of the Regulations made thereunder, and any such tract shall be known as a Provincial Park and called by a distinctive name. *New.* *See* 10 Edw. VII. c. 22, ss. 4, 7, and 10 Edw. VII. c. 23, s. 3.

Powers of  
Lieutenant-  
Governor  
as to Park  
bound-  
aries

**4.** The Lieutenant-Governor in Council may add to the Park any adjacent tract of land the property of the Crown, alter the boundaries of the Park, or withdraw any tract of land therefrom, and after publication of the Order in Council in the *Ontario Gazette* any such change shall take effect. *See* 10 Edw. VII. c. 22, s. 5 (1).

5. Where any land which has been located, sold, leased or granted is subsequently included in a Provincial Park, or where any of the land so included is covered by a license or permit to cut timber, the Lieutenant-Governor in Council may impose such terms and conditions with respect thereto as he shall deem proper, but so as not to curtail or diminish any of the rights of the locatee, purchaser, lessee or owner of such land or the holder of the timber license or permit, except with his consent. *See* 10 Edw. VII. c. 22, s. 5 (2). May impose terms and conditions.

6. Except as hereinafter provided no person shall locate, settle upon, use or occupy any part of a Provincial Park. *See* 10 Edw. VII. c. 22, s. 6. Lands not to be located or settled upon.

7. Every Provincial Park shall be under the control and management of the Minister, and the Lieutenant-Governor in Council may make Regulations for: Control of park. Regulations.

- (a) the care, preservation, management and improvement of the Park, and of the watercourses, lakes, trees, shrubbery, minerals, natural curiosities and other matters therein; Care and preservation.
- (b) controlling and regulating the level of the water in the rivers, streams and lakes of the Park, with the view of preventing damage to the trees and vegetation on the shores thereof; Controlling, regulating level of water in rivers, etc.
- (c) leasing for any term of years of such parcels of land in the Park as he deems advisable, for the construction of buildings for ordinary habitation, and such other buildings as may be necessary for the accommodation of visitors or persons resorting to the Park as a sanitarium or health or summer resort; Leaving lots for erection of buildings.
- (d) issuing licenses or permits to cut timber within the limits of the Park and for the improvement of it and for fire wood for the use of persons engaged in and about the Park, and prescribing the conditions and requirements of such licenses or permits; Issuing timber licenses.
- (e) the working of mines and the developing of mineral interests within the limits of the Park, and the issuing of licenses or permits of occupation for those purposes; but no lease, license or permit shall be made, granted or issued under Mining.

this or either of the next preceding two clauses which will in any way impair the usefulness of the Park for the purposes for which it is designed;

Licensing  
shops and  
inns.

(f) issuing licenses for shops, and for houses for the accommodation of visitors and places where trade and industries necessary for the accommodation of persons resorting to the Park may be carried on;

Fires.

(g) the prevention and extinguishment of fires;

Preservation  
of game  
and fish.

(h) the preservation and protection of game, fish, wild birds, and animals in the Park, and for the destruction of wolves, bears and other noxious or injurious or destructive animals;

Trespassers.

(i) the removal and exclusion of pedlars, travelling salesmen, and trespassers, and the confiscation or destruction of guns or other firearms or explosives, traps, nets, spears or other weapons or implements for hunting or fishing found within the limits of the Park without proper authority;

Appoint-  
ment of  
Superin-  
tendent,  
Wardens,  
etc.

(j) the appointment of a Superintendent and Wardens, Rangers, or other officers to see to the carrying out of the provisions of this Act and the Regulations, and prescribing their powers and duties, and providing for their salaries or other remuneration out of any money which may be appropriated for that purpose by the Legislature;

Penalties.

(k) the imposition of penalties for any violation of the provisions of this Act or of the Regulations not exceeding in any case \$50;

General  
purposes

(l) and generally for all purposes which he may deem necessary for carrying out the provisions of this Act. *See* 10 Edw. VII. c. 22, s. 7.

Publication  
of regula-  
tions.

8.—(1) Every such Regulation after its publication for four consecutive weeks in the *Ontario Gazette* and in any other manner prescribed by the Lieutenant-Governor in Council shall have the like force and effect as if herein enacted.

Regulation  
to be laid  
before  
Assembly.

(2) Every such Regulation shall be laid before the Assembly forthwith, if the Assembly is then in session, or if it is not then in session within fifteen days after the opening of the next session. *See* 10 Edw. VII. c. 22, s. 8.



**9.** Carrying or using firearms or explosives within the Park, except as permitted by the Regulations, hunting with or without firearms or explosives, and trapping or spearing within the limits of the Park, except under special license to be issued by the Minister for the killing of wolves, bears, wolverines, wild cats, foxes or hawks are prohibited under a penalty not exceeding \$100 for each offence. *See* 10 Edw. VII. c. 22, s. 9.

**10.**—(1) Upon the report of the Minister that any species of fur-bearing or game animal or bird has increased to such an extent that its numbers may be lessened without detriment to the Park, or the purposes for which the Park was established, the Lieutenant-Governor in Council may authorize the taking or killing of such animals or birds, not exceeding the number specified in the Order in Council, under the direction and supervision of the Superintendent of the Park.

(2) The skins or furs of the animals so taken or killed shall be marked by the Superintendent with the name of the Park, and also by punching or perforating the same in such manner as may be prescribed by the Lieutenant-Governor in Council, and such skins or furs, or the animals or birds so taken, or their carcases, may be sold by the Minister and the proceeds of the sale shall be applied towards defraying the expenses of the Park, and the possession or sale of skins or furs so taken and marked, or of such animals or birds or their carcases, shall be lawful, notwithstanding anything contained in any other Act or Regulation.

(3) Every person who without lawful authority marks the skin or fur of any such animal in the manner described in subsection 2, or who has in his possession, or sells any such skin or fur knowing that the same has been so marked, in addition to any other penalty to which he may be liable, shall incur a penalty not exceeding \$200.

(4) Every person who without lawful authority has in his possession any stamp, punch or other instrument, or having thing by means of which any such skin or fur may be marked in the manner described in subsection 2, in addition to any other penalty to which he may be liable, shall incur a penalty of \$200. *See* 10 Edw. VII. c. 22, s. 10.

**11.**—(1) Fishing with net, trap, spear or night line in the waters within the Park is prohibited under a penalty not exceeding \$100 for each offence.

(2) No person shall fish within such waters except with hook and line and after having obtained a license so to do.

and

and then only for the purpose of supplying food for visitors or officers of the Park or rangers or labourers therein employed by or under the control of the Superintendent, and no fish caught within the waters of the Park shall be sold, bartered or trafficked in, under a penalty in either case not exceeding \$50 for each offence.

**Minister  
may issue  
licenses.**

(3) Such licenses may be issued by the Minister, or by such other person as shall be authorized by the Lieutenant-Governor. *See* 10 Edw. VII. c. 22, s. 11.

**Power to  
arrest on  
view of  
offence.**

**12.** Any Park Ranger or member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may, on view, without warrant or legal process, arrest and bring before a Justice of the Peace or before the Superintendent to be dealt with according to law and the Superintendent shall have the like power of arresting such person and when he is arrested may summarily try him for any of the offences hereinafter mentioned and a Park Ranger or the Superintendent may on view arrest and remove from the Park any person found violating the provisions of this Act, or carrying or having in his possession a fishing net, trap, spear or night line, or firearm or other explosive, or other weapon or instrument for catching or killing fish, other than hook and line, or for the destruction of game or animals. *See* 10 Edw. VII. c. 22, s. 12.

**Seizure,  
confiscation  
and sale of  
weapons or  
instruments.**

**13.—**(1) In any of the cases mentioned in the next preceding four sections any of such officers may seize, take possession of and retain or confiscate any such net, trap, spear, firearm, explosive, weapon or instrument or any Justice of the Peace may direct the seizure, confiscation or sale thereof.

**Articles  
shall be  
sold as  
provided by  
regulations.**

(2) The articles shall be sold in the manner provided by the Regulations, and the proceeds, after deducting the necessary expenses, shall be applied towards the maintenance of the Park.

**Not to  
relieve  
offender  
from  
penalty.**

(3) An arrest, removal, seizure, confiscation or sale shall not relieve the offender from any other penalty to which he is liable under this Act or otherwise. *See* 10 Edw. VII. c. 22, s. 13.

**Confiscating  
weapons  
unlawfully  
used, etc.**

**14.—**(1) The Superintendent or any Park Ranger or any member of the Ontario Provincial Police Force may seize, take possession of, and confiscate or destroy any such net, trap, spear, explosive, weapon or instrument which he may find within the Park, whether the same is held or set out with intent to take or kill any animals or fish the taking or killing

killing of which is forbidden by this Act, or otherwise, and may also seize and take possession of all firearms, furs, skins or peltries found within the Park, and the burden of proving that such furs, skins or peltries have not been taken or obtained contrary to law shall rest upon the person claiming the same or in whose possession they may be found.

(2) The Superintendent shall forthwith report any such seizure to the Minister, who may direct the confiscation of the articles seized or any of them and may direct that they be sold and the proceeds applied as is provided in section 13. <sup>Superintendent to report to Minister.</sup>

(3) For the purpose of searching for nets, traps, spears, firearms, explosives, weapons, instruments, furs, skins, or peltries, the Superintendent, any Ranger, or any such Police Officer, may enter into any house, dwelling, structure or camp within the Park and may there search for the same without a search warrant, and shall have the same powers of seizure and confiscation as elsewhere within the Park. <sup>Powers of Superintendent.</sup>  
See 10 Edw. VII. c. 22, s. 14.

**15.**—(1) No timber or wood shall be cut within the limits of any Park, except under the authority of a timber license or permit issued under *The Crown Timber Act*, or the Regulations made thereunder, or under the Regulations made under the authority of this Act nor shall anything herein prevent the operation of any Act or Regulation made in respect of any timber license affecting the Park or the timber therein, but nothing herein shall have the effect of withdrawing the timber or wood of the classes mentioned therein from any timber license. <sup>Cutting timber.</sup> <sup>3-4 Geo. V., c. 8.</sup> See 10 Edw. VII. c. 22, s. 15 (1).

(2) A timber license over or in respect of any land within the Park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents or servants, nor shall any such license exempt the holder thereof, his agents or employees, from the prohibitions relating to fishing or hunting or the carrying or using of firearms within the limits of the Park. <sup>Rights of timber licensees.</sup> See 10 Edw. VII. c. 22, s. 15 (2). *Amended.*

**16.** Mining exploration or prospecting for minerals within the Park is prohibited, except under and in accordance with the Regulations. <sup>Mining exploration.</sup> See 10 Edw. VII. c. 22, s. 16.

**17.** No license shall be issued for the sale of intoxicating liquor within the Park, and any intoxicating liquor found within the limits of the Park and held for the purpose of sale may be seized and destroyed by any Park Ranger or by any Constable or License Inspector and every Ranger shall have all the powers and authority of a License Inspector for the purpose of enforcing therein the provisions of *The Liquor License Act* and of this Act. <sup>Sale of intoxicating liquor within the Park.</sup> <sup>Rev. Stat. c. 245.</sup> See 10 Edw. VII. c. 22, s. 17.

Offences to which no special penalty attached.

**18.** Where no penalty is herein or otherwise provided, any person violating any provision of this Act shall incur a penalty not exceeding \$50. *See* 10 Edw. VII. c. 22, s. 18.

Offenders' liability for damages.

**19.** In addition to any penalty provided by this Act for the violation of any of its provisions, the offender shall be liable for all damages caused by him. *See* 10 Edw. VII. c. 22, s. 19.

Powers of Park Ranger

**20.** A Superintendent and Park Ranger shall have all the power and authority of a member of the Ontario Provincial Police Force. *See* 10 Edw. VII. c. 22, s. 20. *Amended.*

Superintendent to have authority of police magistrates.

**21.** The Superintendent shall, within the limits of the Park, and for one mile from any part thereof, for the purposes of enforcing law and order and the provisions of this Act and the Regulations, have all the powers, rights and privileges of a Police Magistrate, and shall have jurisdiction over and within the Park, and the territory surrounding the same for the distance of one mile from any part thereof unless and until otherwise provided by the Lieutenant-Governor in Council, or the Lieutenant-Governor in Council may appoint another person as Police Magistrate with such jurisdiction; but nothing in this section shall interfere with the jurisdiction of other Magistrates. *See* 10 Edw. VII. c. 22, s. 21.

Protection of game, fish, etc., during construction of railway.

**22.** During the construction and after the completion of any railway passing through a Park, the Minister may appoint as many rangers, officers or guardians as he may see fit for the protection of the fish, animals and birds, and of any other property or interest of the Crown, and the expenses incident to and connected with such service, including the salaries of such rangers, officers or guardians, shall be a debt due to the Crown from the railway company, recoverable in any Court of competent jurisdiction. *See* 2 Geo. V. c. 16, s. 1.

Superintendent to be ex-officio a health officer.

**23.** The Superintendent shall be *ex officio*, a medical officer of health for the Park and for the territory surrounding the same for the distance of one mile therefrom, or from any part thereof, and shall have all the powers and perform all the duties by *The Public Health Act*, or any other Act, conferred or imposed upon medical officers of health or local boards of health; and all Park Rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under that Act and shall have all the powers and per-

2 Geo. V. c. 58.

form

form all the duties conferred or imposed upon sanitary inspectors thereunder. *See* 2 Geo. V. c. 58, s. 120.

**24.** Nothing herein shall withdraw the territory comprising the Park or that within a mile from any part thereof from the operation of *The Ontario Game and Fisheries Act*, except as therein or herein otherwise provided. *See* 10 Edw. VII. c. 22, s. 23.

Territory not withdrawn from operation of 3-4 Geo. V., c. 69.

**25.**—(1) The Superintendent may issue licenses to fit and proper persons to act as guides in conducting tourists and visitors into and through the Park, and any unlicensed person who acts as guide to any tourist or visitor shall incur a penalty not exceeding \$20 for each offence.

Licenses to guides.

(2) The annual fee to be paid for a license shall not exceed one dollar.

Annual fee.

(3) The Superintendent may cancel any such license upon proof of a contravention of this Act or of the Regulations by the licensee. *See* 10 Edw. VII. c. 22, s. 24.

Superintendent may cancel license.

**26.** Any person arrested for a contravention of any of the provisions of this Act or of the Regulations who is punishable upon summary conviction may before or after conviction be committed to the common gaol or to any lock-up within a District in which the Park or any part thereof is situate, or to any nearer gaol or lock-up which may to the committing Justice appear more convenient. 10 Edw. VII. c. 22, s. 25.

Committal of offenders.

*Sections 26, 27 and 28 of 10 Edw. VII. c. 22 omitted as unnecessary.*

**27.** Except where otherwise provided by this Act, the provisions of *The Ontario Summary Convictions Act* shall apply to prosecutions and proceedings for the recovery of penalties under this Act. *See* 10 Edw. VII. c. 22, s. 29.

Application of 10 Edw. VII. c. 37.

## PART II.

Algonquin  
National  
Park.  
continued.

**28.** The Algonquin National Park is hereby continued, under the name of the Algonquin Provincial Park, and, except as hereinafter expressly provided, shall be subject to the provisions of this Act.

Boundaries  
of park.

**29.** The tract of land comprising the following townships being the lands of the Crown, and lying within the Territorial District of Nipissing, that is to say, the Townships of Peck, Hunter, Devine, Biggar, Wilkes, Canisbay, McLaughlin, Bishop, Osler, Pentland, Sproule, Bower, Freshwick, Lister, Preston, Dickson, Anglin, Deacon, all that portion of the Township of Finlayson east of the side road between lots 20 and 21 in the several concessions thereof; all that portion of the Township of McCraney, east of the side road between lots 15 and 16 in the several concessions thereof; all that portion of the Township of Butt, east of the side road between lots 15 and 16 in the several concessions thereof; all that portion of the Township of Paxton, east of the side road between lots 15 and 16 in the several concessions thereof; all that portion of the Township of Ballantyne, east of the side road between lots 20 and 21 in the several concessions thereof, except lot 21 in the 5th concession; all that portion of the Township of Boyd, south of the line between concessions 10 and 11, the west half of the Township of Fitzgerald comprising lots 1 to 20 in concessions 1 to 14 inclusive; lots 1 to 20 in concessions 1 to 14 inclusive in the Township of White; lots 16 to 38 in concessions 1 to 14 inclusive in the Township of Niven, and lots 16 to 37 in concessions 4 to 15 inclusive, the north 80 acres of lot 36 and the north 72 acres of lot 37 in the 2nd concessions, and lots 35, 36 and 37 in the 3rd concession in the Township of Clancy, is hereby withdrawn from sale, settlement and occupancy under the provisions of *The Public Lands Act*, and *The Mining Act of Ontario*, and is set apart as a Public Park, Forest Reservation and Health Resort for the benefit and enjoyment of the people of Ontario and shall be known as the Algonquin Provincial Park. 10 Edw. VII. c. 22, s. 3.

8 Edw. VII.,  
c. 21.

Cutting  
timber.

**30.**—(1) No timber or wood shall be cut within the limits of the Park, except pine, spruce, hemlock, black and yellow birch, cedar, black ash and tamarack cut under the authority of a timber license issued under the provisions of *The Crown Timber Act*, or the Regulations made thereunder, or by the authority of the Minister, or under the Regulations made by the Lieutenant-Governor in Council for the government and maintenance of the Park, provided nevertheless that nothing herein shall have the effect of withdrawing the timber or wood, of the classes above specified, from any  
timber

Rev. Stat.,  
c. 32.

Proviso.



timber license nor shall anything herein prevent the operation of any Act or Regulation made in respect of any timber license affecting the Park or the timber therein.

(2) All interest or claim of the holder or owner of a timber license heretofore or hereafter issued or renewed in or to any kind of timber in the Park except pine timber shall on and after the expiry of thirty years from the 30th day of April, 1900, forever cease and determine, and all the timber except pine, shall become the property of His Majesty freed and discharged of and from any interest, charge or claim of the holder or owner of such timber license or any person claiming through or under him or any other person.

Interests under licenses for timber other than pine and renewals to cease after 30th April, 1930.

(3) Nothing in this section shall authorize the cutting of any timber except pine by the holder or owner of a timber license in the Park issued for a timber berth at the sale of which by the Crown the right to cut pine timber only was sold.

(4) A timber license over or in respect of any land within the Park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents or servants, nor shall any such license exempt the holder thereof, his agents or employees, from the prohibitions relating to fishing or hunting or the carrying or using of firearms within the limits of the Park. 10 Edw. VII. c. 22, s. 15.

Rights of timber licensees.

**31.** The Rondeau Provincial Park is also hereby continued, and except as hereinafter expressly provided shall be subject to the provisions of this Act.

Rondeau Provincial Park continued.

**32.** The tract of land, marsh and land covered with water hereinafter mentioned, that is to say, so much of the Rondeau Peninsula otherwise known as Pointe aux Pins, in the County of Kent, as is the property of the Province and which may be known and described as follows, namely, all that parcel of land, marsh and land covered with water, bounded on the north, by the north limit of lot number 1 on said Pointe aux Pins and said limit produced easterly to the water's edge of Lake Erie, as shown on plan of survey by Provincial Land Surveyor Henry Lawe, dated September, 8th, 1864, of record in the Department of Lands, Forests and Mines; on the east and south by the waters of said Lake Erie and on the west by the waters of the Harbour of Rondeau and the easterly breakwater pier at the entrance to said Harbour; excepting thereout nevertheless said lot number 1, on Pointe aux Pins containing 58½ acres, as granted by Letters Patent to Isaac Swartout in 1872 and also

Description of lands included in park.



Dedication  
of land  
for park  
purposes.

also that part of the Sand Beach, containing  $15\frac{1}{2}$  acres, dividing the Harbour of Rondeau from Lake Erie as vested in the Government of Canada for lighthouse purposes on June 21st, 1892, containing by admeasurement an area of land, marsh and land covered with water of 4,946 acres, more or less, is hereby reserved and set apart as a Public Park Forest Reservation and Health Resort for the benefit, advantage and enjoyment of the people of Ontario, and shall be known as "The Rondeau Provincial Park." 10 Edw. VII. c. 23, s. 3.

Cutting  
timber.

**33.** No timber or wood shall be cut within the limits of the Park, except dead or fallen wood, or in clearing for roads or other Park purposes, or underbrushing in clearing and maintaining the Park as shall be provided for by Regulation, and then only under the direction of the Ranger. 10 Edw. VII. c. 23, s. 7.

Hunting  
of game  
prohibited.

**34.**—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey, or other bird or fowl within the Park; nor shall anyone shoot, hunt, trap, take or kill any wild animal or bird in the Park, except foxes, skunks, weasels, owls, hawks or other noxious animals or birds, and as to such excepted animals and birds only after obtaining the authority in writing of the Ranger; but this shall not prevent or apply to shooting or taking wild duck or geese in the waters around and along the coasts of the Park, during the lawful season, and in accordance with the Regulations hereinafter authorized.

Regulation  
of the  
killing of  
birds near  
the park.

(2) The Lieutenant-Governor in Council may make regulations as to the shooting, hunting, taking or killing within two miles of the Park or within Rondeau Harbour of any bird or fowl protected by the provisions of this Act.

Penalty.

(3) Any person offending against the provisions of this section or violating the provisions of such Regulations shall for each offence incur a penalty of not less than \$20 and not more than \$50. 10 Edw. VII., c. 23, s. 9.

Section 17  
to apply,  
except no  
license for  
the sale of  
liquor  
within park  
or mile  
thereof.

**35.** Section 17 shall apply to the Park, except that no license shall be issued for the sale of intoxicating liquor within one mile of the Park, as well as within it.

#### REPEAL.

Repeal.

**36.** Chapters 22 and 23 of the Acts passed in the 10th year of the reign of His late Majesty, King Edward the Seventh, and chapter 16 of the Acts passed in the 2nd year of the reign of His Present Majesty are repealed.

CHAPTER

## CHAPTER 16.

An Act to confirm certain agreements respecting the limits of J. R. Booth in Algonquin National Park.

*Assented to 6th May, 1913.*

**W**HEREAS by an Order in Council dated the 10th day of July, 1912, an exchange of birch for balsam upon the limits of Mr. J. R. Booth in Algonquin National Park was agreed to and the Minister of Lands, Forests and Mines was authorized to execute certain agreements with Mr. J. R. Booth, the Bank of Montreal, and Mr. Harry Stikeman, General Manager of the Bank of British North America with regard to such exchange; and whereas it is expedient to confirm the said agreements as advertised by the said Order in Council;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreements set out in the schedule hereto are ratified and confirmed and declared legal and valid for all purposes from the respective dates thereof.

Agreements  
between  
Crown and  
Bank of  
Montreal  
and J. R.  
Booth and  
Bank of  
B. N. A.  
confirmed.

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SCHEDULE "A."

THIS AGREEMENT made in triplicate this Eighteenth day of June, A.D. 1912, by and between His Majesty the King, represented herein by the Honourable William Howard Hearst, Minister of Lands, Forests and Mines for the Province of Ontario, hereinafter called "The Government," of the one part, and the Bank of Montreal, hereinafter called "The Licensee," of the other part: Witnesseth that whereas the Licensee under the provisions of The Crown Timber Act and of Section Fifteen of The Algonquin National Park Act has been granted and is the holder of Licenses to cut pine, spruce, hemlock, black and yellow birch, cedar, black ash and tamarack in the Townships of Dickson, Bower, Sproule, Preston and Clancy, according to descriptions in said licenses as by reference thereto will more particularly appear, all said territory being within the limits of the Algonquin National Park.

And

And whereas the Licensee has offered to surrender to the Government his right to cut the black and yellow birch under said Licenses provided the right be given him to cut the balsam in lieu thereof.

And whereas the proposed exchange would be of great advantage to the well-being of the said Algonquin National Park, and it has been deemed expedient by the Government to accept the said offer of the Licensee.

Now therefore this agreement witnesseth that the Licensee, in consideration of the premises and of the sum of one dollar, receipt of which is hereby acknowledged, has surrendered and yielded up, and does hereby surrender and yield up, to the Government all his right and title to cut the black and yellow birch within the territory above described, and the Government in consideration of the premises and of the said surrender hereby agrees to grant to the Licensee the right to cut the balsam on the said territory subject to the same terms and conditions and to payment of the same dues as are applicable to balsam timber cut under License in other parts of the Province.

And the Licensee covenants and agrees with the Government to pay dues as aforesaid on all balsam timber cut by him in pursuance of the Agreement, and to render account thereof in the same manner as provided for other timber in the Licenses aforesaid.

And it is further agreed that the subsisting Licenses for the territory aforesaid shall be read as if the words "black and yellow birch" were expunged therefrom, and the word "balsam" substituted therefor, and in all future Licenses to be issued to the Licensee to cut timber in the same territory the word "balsam" shall take the place of the words "black and yellow birch."

The word "Licensee" wherever it occurs herein shall include "his heirs, executors, administrators and assigns."

This Agreement is subject to confirmation by the Legislative Assembly of Ontario at its ensuing Session.

In witness whereof the Minister of Lands, Forests and Mines has hereto set his hand and seal of office, and the Licensee has set his hand and seal.

Witness: Executed by the Bank of Montreal

M. B. ANGUS,  
President.

W. H. HEARST.  
(Seal.)

Witness: Executed by the Bank of Montreal  
in the presence of

J. C. C. ALMON,  
of Montreal.  
(Seal.)

As to Signature of W. H. Hearst,  
THOS. W. GIBSON.

THIS AGREEMENT made in triplicate this Fifteenth day of June, A.D. 1912, by and between His Majesty the King, represented herein by the Honourable William Howard Hearst, Minister of Lands, Forests and Mines for the Province of Ontario, hereinafter called "The Government," of the one part, and John Rudolphus Booth, of the City of Ottawa, in the County of Carlton, Lumberer, hereinafter called "The Licensee" of the other part; Witnesseth,

that

that whereas the Licensee under the provisions of The Crown Timber Act and of Section Fifteen of The Algonquin National Park Act, has been granted and is the holder of Licenses to cut pine, spruce, hemlock, black and yellow birch, cedar, black ash and tamarack in the townships of Wilkes and Pentland, according to descriptions in said licenses as by reference thereto will more particularly appear, all said territory being within the limits of The Algonquin National Park.

And whereas the Licensee has offered to surrender to the Government his right to cut the black and yellow birch under said licenses provided the right be given to him to cut the balsam in lieu thereof.

And whereas the proposed exchange would be of great advantage to the well-being of the said Algonquin National Park, and it has been deemed expedient by the Government to accept the said offer of the Licensee.

Now therefore this Agreement witnesseth that the Licensee, in consideration of the premises and of the sum of one dollar, receipt of which is hereby acknowledged, has surrendered and yielded up, and does hereby surrender and yield up, to the Government all his right and title to cut the black and yellow birch within the territory above described, and the Government, in consideration of the premises and of the said surrender hereby agrees to grant to the Licensee the right to cut the balsam on the said territory, subject to the same terms and conditions and to payment of the same dues as are applicable to balsam timber cut under License in other parts of the Province.

And the Licensee covenants and agrees with the Government to pay dues as aforesaid on all balsam timber cut by him in pursuance of the Agreement, and to render account thereof in the same manner as provided for other timber in the Licenses aforesaid.

And it is further agreed that the subsisting Licenses for the territory aforesaid shall be read as if the words "black and yellow birch," were expunged therefrom, and the word "balsam" substituted therefor, and in all future Licenses to be issued to the Licensee to cut timber in the said territory the word "balsam" shall take the place of the words "black and yellow birch."

The word "Licensee" wherever it occurs herein shall include "his heirs, executors, administrators and assigns."

This Agreement is subject to confirmation by the Legislative Assembly of Ontario at its ensuing Session.

In witness whereof the Minister of Lands, Forests and Mines has hereto set his hand and seal of office and the Licensee has set his hand and seal.

(Sgd.) J. R. BOOTH.  
(Sealed.)

(Sgd.) W. H. HEARST.  
(Sealed.)

Witness:

(Sgd.) JOHN BLACK.

As to signature of W. H. Hearst,  
(Sgd.) THOS. W. GIBSON.

THIS AGREEMENT made in duplicate this fourth day of June, A.D. 1912, by and between His Majesty the King, represented herein by the Honourable William Howard Hearst, Minister of Lands, Forests and Mines for the Province of Ontario, hereinafter called "The Government," of the one part, and Harry Stikeman, General

Manager

Manager of the Bank of British North America, hereinafter called "The Licensee," of the other part: Witnesseth, that whereas the Licensee under the provisions of the Crown Timber Act and of Section Fifteen of The Algonquin National Park Act has been granted and is the holder of Licenses to cut pine, spruce, hemlock, black and yellow birch, cedar, black ash and tamarack in the townships of Freswick, Anglin, Dickson and Bower, according to descriptions in said Licenses as by reference thereto will more particularly appear, all said territory being within the limits of The Algonquin National Park.

And whereas the Licensee has offered to surrender to the Government his right to cut the black and yellow birch under said licenses provided the right be given to him to cut the balsam in lieu thereof.

And whereas the proposed exchange would be of great advantage to the well-being of the said Algonquin National Park, and it has been deemed expedient by the Government to accept the said offer of the Licensee.

Now therefore this Agreement witnesseth that the Licensee, in consideration of the premises and of the sum of one dollar, receipt of which is hereby acknowledged, has surrendered and yielded up, and does hereby surrender and yield up, to the Government all his right and title to cut the black and yellow birch within the territory above described, and the Government, in consideration of the premises and of the said surrender hereby agrees to grant to the Licensee the right to cut the balsam on the said territory, subject to the same terms and conditions and to payment of the same dues as are applicable to balsam timber cut under License in other parts of the Province.

And the Licensee covenants and agrees with the Government to pay dues as aforesaid on all balsam timber cut by him in pursuance of the Agreement, and to render account thereof in the same manner as provided for other timber in the Licenses aforesaid.

And it is further agreed that the subsisting Licenses for the territory aforesaid shall be read as if the words "black and yellow birch" were expunged therefrom, and the word "balsam" substituted therefor, and in all future Licenses to be issued to the Licensee to cut timber in the said territory the word "balsam" shall take the place of the words "black and yellow birch."

The word "Licensee" wherever it occurs herein shall include "his heirs, executors, administrators and assigns."

This Agreement is subject to confirmation by the Legislative Assembly of Ontario at its ensuing Session.

In witness whereof the Minister of Lands, Forests and Mines has hereto set his hand and seal of office and the Licensee has set his hand and seal.

(Sgd.) H. STIKEMAN,  
General Manager The Bank of  
British North America.  
(Seal.)

(Sgd.) W. H. HEARST.  
(Seal.)

Witness:

To signature of H. Stikeman,  
(Sgd.) O. R. ROWLEY,  
Montreal.

As to signature of W. H. Hearst,  
(Sgd.) THOS. W. GIBSON.

## CHAPTER 17.

## An Act to amend The Tile Drainage Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sub-section 2 of section 8 of the *Tile Drainage Act* is here-<sup>9 Edw VII</sup>  
by amended by striking out the words "the amount of such" <sup>c. 22, s. 8</sup>  
mortgage or incumbrance and" following the word "stat-<sup>subs. 2,</sup>  
ing" in the sixth line thereof. <sup>amended.</sup>

## CHAPTER 18.

## The Statute Law Amendment Act, 1913.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.  
c. 2, s. 7,  
amended.

**1.**—(1) *The Interpretation Act* is amended by adding the following as paragraph 26a of section 7:—

Correspond-  
ence of  
meaning.

26a. A word interpreted in the singular number shall have a corresponding meaning when used in the plural.

Meaning  
of "High  
Court"

(2) Wherever the words "High Court" occur in any Act of this Legislature, they shall mean the High Court Division of the Supreme Court of Ontario.

7 Edw. VII.  
c. 2 s. 7,  
cl. 20,  
amended.

(3) Clause 20 of section 7 of *The Interpretation Act* as amended by section 4 of *The Statute Law Amendment Act, 1909*, is further amended by adding thereto the following:—

Administra-  
tion of  
oaths by  
Justices of  
the Peace.

Every Justice of the Peace having authority in Ontario shall have the same powers to take and receive affidavits and affirmations as a Commissioner appointed under *The Commissioners for taking Affidavits Act*.

9 Edw. VII.  
c. 44.

10 Edw. VII.  
c. 2, s. 2,  
cl. 21,  
amended.

**2.**—(1) Clause 21 of section 2 of *The Territorial Division Act* is amended by striking out the word "East" after the word "Camden" in the seventh line of the said clause.

"Camden,"  
proper  
designation  
of town-  
ship.

(2) It is declared that the township referred to in the said clause as Camden East is the township of Camden in the County of Lennox and Addington and not Camden East and should have been so named, mentioned and described, and the name thereof shall be deemed to be and to have always been Camden and not Camden East.

By-laws,  
etc.,  
validated.

(3) All by-laws and other proceedings of the municipal corporation of the said Township of Camden and all other proceedings whatsoever passed had or taken since the passing  
of



of the said Act in which the said township is mentioned, described or otherwise referred to by the name of Camden shall be read, taken and construed as if the word "East" had not been added to the name of the said township by the said clause 21.

(4) Nothing in this section shall affect the disposition as to the costs of any litigation now pending, but the Court may make such order with respect thereto as might have been made if this section had not been passed. Saving as to costs of pending litigation.

3. Paragraph 26 of section 2 of *The Territorial Division Act* is amended by adding to the townships included in the County of Ontario the Township of Scott and such amendment shall have effect on and from the 7th day of March, 1910. 10 Edw. VII. c. 2, s. 2, par. 26, amended.

4. *The Territorial Division Act* is amended by adding the following as section 12a:— 10 Edw. VII. c. 2, amended, s. 12a added.

12a. Where a part of a county or of a Provisional Judicial District has been or shall be formed into or annexed to another district, the coroners, Justices of the Peace and commissioners for taking affidavits, residing in the territory so dealt with shall be the coroners, justices and commissioners for the Territorial District into which the territory in which they reside is formed and to which it has been attached by the same tenure of office and without their again taking any oath. Coroners, Justices of the Peace and Commissioners in Districts in certain cases.

5.—(1) Subsection 1 of Section 5 of *The Manhood Suffrage Registration Act* is amended by striking out the words "to carry out the provisions of this Act," in the third and fourth lines thereof, and substituting in lieu thereof the words "with the original members of the Board so that there shall be one Registrar for each registration district into which the Electoral District is divided." 7 Edw. VII. c. 5, s. 5 (1) amended.

(2) Section 43 of said Act is amended by striking out all the words thereof down to and including the word "day" in the fifth line thereof and substituting in lieu thereof the words "for their services under this Act, the officers employed shall be entitled to be paid as follows:— 7 Edw. VII. c. 5, s. 43, amended.

A Registrar for each sittings at which he personally attends and acts as Registrar and each member of the Board of Appeal for each day he attends a sittings thereof \$10; a Registry Clerk for each day he attends and acts as such \$5." Remuneration of Board of Appeal and others.

10 Edw.  
VII. c. 5,  
amended,  
s. 4b added.

**6.** *The Public Officers' Fees Act* is amended by adding the following as section 4b:—

Salaries of  
sheriffs,  
etc., in  
Provisional  
Judicial  
Districts.

4b. The Lieutenant-Governor in Council may pay to the Sheriffs and other officers of every Provisional Judicial District by way of salary or otherwise out of any unappropriated moneys belonging to the Consolidated Revenue Fund, such several sums of money as he may think reasonable for the services performed by such officers.

10 Edw. VII.  
c. 5, s. 5,  
repealed.

**7.** Section 5 of *The Public Officers' Fees Act* is repealed and the following substituted therefor:—

Fees to be  
retained by  
Division  
Court Clerks  
for their  
own use.

5.—(1) Every Division Court Clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$2,000.

(2) Of the fees and emoluments earned by any Division Court Clerk in each year he shall pay to the Provincial Treasurer a percentage of 20 per cent. on the excess over \$2,000. 7 Edw. VII. c. 23, s. 1.

(3) This section shall take effect as from the 19th day of March, 1910.

9 Edw. VII.  
c. 6,  
amended,  
s. 22a. added

**8.**—(1) *The Sheriffs Act* is amended by adding the following as section 22a:—

Sales under  
execution  
of lands  
in Manitou-  
lin and  
Rainy  
River.

22a. No sheriff, deputy sheriff or other officer shall sell or expose for sale under execution any lands or tenements in the District of Manitoulin, or any lands or tenements in the District of Rainy River, which are situate more than 20 miles from a line of railway, except during the months of July, August, September or October. R.S.O. 1897, c. 109, s. 33.

9 Edw. VII.  
c. 6, s. 39,  
amended.

(2) Section 39 of *The Sheriffs Act* is amended by adding after the word "Sheriff" in the seventh line, the words "out of the Consolidated Revenue Fund."

9 Edw. VII.  
c. 6,  
amended,  
s. 38a  
added.

**9.** *The Sheriffs Act* is amended by adding the following as section 38a:—

38a. For attending the Sittings of the County Court for trials without jury the following fees shall be payable:—

(a) To the Sheriff, \$5 per diem;

(b)

(b) To the Crier, \$2 per diem;

(c) To the constable, \$1.50 per diem.

and the same shall be chargeable and shall be paid out of the Consolidated Revenue Fund.

**10.** Section 12a of *The Audit Act*, added by section 4 of 8 Edw. VII. <sup>c. 9, s. 12a,</sup>  
*The Statute Law Amendment Act, 1912*, is amended by in- <sup>added by</sup>  
serting the word "is" after the word "money," in the sixth <sup>2 Geo. V.</sup>  
line, and after the word "but," in the seventh line of such <sup>c. 17, s. 4,</sup>  
added section. <sup>amended.</sup>

**11.** Section 3 of *The Audit Act* as enacted by 9 Edw. <sup>8 Edw. VII.</sup>  
VII. chapter 10, is repealed and the following substituted <sup>c. 9, s. 3,</sup>  
therefor:— <sup>repealed.</sup>

3.—(1) The Lieutenant-Governor in Council may appoint an officer to be called "The Auditor," who shall be paid a salary of \$4,000 per annum which shall be charged to and paid out of the Consolidated Revenue Fund.

(2) This section shall take effect as from the 31st day of October, 1912.

**12.** Subsection 5 of section 179 of *The Mining Act of* <sup>8 Edw. VII.</sup>  
*Ontario*, as enacted by Section 11 of the Act passed in the <sup>c. 21, s.</sup>  
Ninth year of the Reign of His late Majesty, King Edward <sup>179 (5),</sup>  
the Seventh, Chapter 17 is amended by striking out the words <sup>amended.</sup>  
"is calculated to" and substituting therefor the word "might,"  
and by striking out the word "to" in the third line thereof.

**13.** Section 6 of *The Horticultural Societies' Act* is <sup>10 Edw.</sup>  
amended by striking out the word "or" in the second line <sup>VII. c. 20,</sup>  
and adding immediately after the word "village," in the <sup>s. 6</sup>  
said line the words "or a police village having a population <sup>amended.</sup>  
of not less than 500."

**14.**—(1) Subsection 2 of section 36 of *The Division* <sup>10 Edw. VII</sup>  
*Courts Act*, is amended by inserting after the word "of" <sup>c. 32, s. 36</sup>  
in the second line thereof the words "forms and." <sup>(2) amended</sup>

(2) Section 47 of the said Act is amended by adding <sup>10 Edw. VII.</sup>  
thereto the following subsection:— <sup>c. 32 s.</sup>  
<sup>47 amended</sup>

(4) Where the fees and emoluments earned by a Clerk <sup>Fees of</sup>  
or Bailiff are less than \$500 a year the local <sup>clerk and</sup>  
municipality in which the Division Court is <sup>bailiff for</sup>  
held shall pay to the Clerk and Bailiff respec- <sup>attending</sup>  
tively, the sum of \$2 for attending each sit- <sup>court.</sup>  
ting of the Court.

(3)

10 Edw. VII. c. 32, s. 164, repealed. (3) Section 164 of the said Act is repealed.

10 Edw. VII. c. 32, s. 225, amended. (4) Section 225 of *The Division Courts Act* is amended by adding thereto the following subsections:—

Allowance to members of board of judges.

(3a) There may be paid out of the Consolidated Revenue Fund to each member of the Board the sum of \$10 for every day's actual attendance at the meetings of the Board.

(3b) The next preceding subsection 3a shall take effect as from the 1st day of January, 1912.

10 Edw. VII. c. 30, s. 22, subs. 2, amended. **15.**—(1) Subsection 2 of section 22 of *The County Courts Act* is hereby amended by inserting after the word "appearance" in the tenth line thereof the words "or in his statement of defence."

10 Edw. VII. c. 30, s. 22, subs. 5, amended. (2) Subsection 5 of the said section 22 is amended by inserting after the word "appearance" in the third line the words "if he has given notice that he disputes the jurisdiction of the Court on entering his appearance or after the expiration of ten days from the filing of his statement of defence if he has given such notice in his statement of defence."

9 Edw. VII. c. 35, amended. **16.** Section 33 of *The Arbitration Act* is amended by adding thereto the following:—

Costs of reference and award when award set aside.

(4) When an award is set aside the Court or a Judge setting aside the same may direct as to the costs of the reference and award.

9 Edw. VII. c. 47, amended. **17.** *The Execution Act* is amended by adding the following as section 8a:—

Sheriff may sell any lands of execution debtor, including those held in trust for him.

8a. The sheriff to whom a writ of execution against lands is delivered for execution may seize and sell thereunder the lands of the execution debtor including any lands whereof any other person is seized or possessed in trust for the execution debtor. R.S.O. 1897, c. 338, s. 9, *part, amended.*

10 Edw. VII. c. 35, amended. **18.** *The Justices of the Peace Act* is amended by adding thereto the following as section 27a:—

Police Magistrate in receipt of salary to report as to indictable and other offences tried before him, etc.

27a.—(1) Every Police Magistrate who receives a salary from the Government shall yearly on or before the 31st day of December send to the Attorney-General a return showing the number of indictable and other offences tried by him, together with the number of convictions made and sentence imposed in each case. Where a fine has been imposed the amount of the fine shall be stated and to whom the same was paid. The return shall also state the amount of fees received

received, the number of committals for trial and the number of miles, if any, travelled by the Magistrate in the discharge of his duty.

- (2) The Lieutenant-Governor in Council may prescribe the form in which the return is to be made and may also require any additional particulars to be furnished.

**19.** Section 30 of *The Police Magistrates Act* is amended <sup>10 Edw. VII. c. 36,</sup> by inserting after the word "municipality," in the fifth lines. <sup>s. 30,</sup> the words: "If the salary is provided by such municipality, <sup>amended.</sup> but if the salary is provided by the Crown such fees and emoluments shall be paid to the Treasurer of the Province."

**20.**—(1) Section 25 of *The Coroners Act* is amended by <sup>1 Geo. V. c. 23, s. 25,</sup> adding the following as subsection 3:— <sup>amended.</sup> <sup>Subsec. 3 added.</sup>

- (3) On the recommendation of the Attorney-General <sup>Additional allowance to coroners in Provisional Judicial Districts.</sup> an additional allowance may be made to a coroner holding an inquest, where in the opinion of the Attorney-General such fees are an insufficient remuneration, having regard to the difficulties of travelling and other special circumstances.

(2) *The Coroners' Act* is amended by adding thereto the following section:—

- 11a.—(1) Where a Coroner has ordered an inquest upon <sup>Power of Coroner to take charge of wreckage</sup> the body of a man who has met death by violence in the wreck of a building, bridge, structure, embankment or railway train, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing such wreckage until the jury at the inquest has viewed the same, or the coroner where there is no jury has made such examination as he deems necessary.

- (2) The coroner shall have power to swear in such <sup>Special constables.</sup> special constables as may be necessary for such purposes.

- (3) The Jury or Coroner as the case may be shall view <sup>View by Jury or Coroner.</sup> such wreckage at the earliest moment possible.

**21.**—(1) Section 14 of *The Administration of Justice Expenses Act* is amended by adding the following as subsection 4:— <sup>10 Edw. VII. c. 41, s. 14,</sup> <sup>amended.</sup>

- (4) A statutory declaration of the Treasurer of the <sup>Evidence of payment by county.</sup> county that the accounts have been paid by the county shall be sufficient evidence of that fact."

Payment  
for special  
services in  
criminal  
matters.

(2) Where special services are rendered by a duly qualified medical practitioner, by an Ontario Land Surveyor or by any other person in connection with a criminal trial or proceeding and such services are rendered by the direction or with the approval of the Attorney General, the person by whom they are rendered shall be entitled to be paid such sum as the Attorney General may direct and the same shall be charged upon and paid out of the Consolidated Revenue Fund.

10 Edw. VII.  
c. 41, s. 14,  
2 Geo. V.  
c. 17, s. 23,  
amended.

(3) Subsection 3 of section 14 of the said Act as enacted by section 23 of *The Statute Law Amendment Act, 1912*, is amended by striking out the words "the amount of such fees" in the 5th and 6th lines, and substituting "such amounts" and by inserting after the word "services" in the 7th line, the words "and disbursements."

Remunera-  
tion of  
witnesses  
coming to  
Ontario to  
give evi-  
dence.

(4) Where it is in the opinion of the Attorney General necessary in order to procure the attendance as a witness for the Crown at a criminal trial, of a person resident out of Ontario, that such person should be compensated for his loss of time and expenses in attending the trial, the Attorney General may direct that such sum as he may deem reasonable be paid to such person and the same shall be charged upon and payable out of the Consolidated Revenue Fund.

10 Edw. VII.  
c. 41, Sched.  
A, amended.

(5) Schedule A of *The Administration of Justice Expenses Act* is amended in the sub-heading "Crown Attorney" by striking out the words "at General Sessions," and by inserting after the word "Peace" where it occurs in the second line thereof the words "or the County Judges' Criminal Courts," and by adding to the tariff of fees the following items:—

Crown  
Attorneys'  
fees in cer-  
tain cases.

"6. Receiving and examining all informations and other documents and papers in connection with each criminal case at a sittings of the High Court Division upon the certificate of the Counsel for the Crown at the trial, that the fee should be allowed, \$4.

N.B.—Half the fee to be charged if the case has remained undisposed of from a prior Court and is prosecuted to judgment. These fees not to be allowed if the Crown Attorney is also Counsel for the Crown."

7. Every copy of a Subpœna at a trial at a sittings of the High Court Division, 10 cents.

8. Affidavit and application to Judge for *habeas corpus ad testificandum* and writ, etc., \$2.

9. Postage per quarter, \$2.

10. For attendance on the Judge of the County Court by his special requisition in writing, where application is made by a prisoner to be admitted to bail, \$1.

11. For attending police court in summary trials under Part XVI. of *The Criminal Code* where requested in writing by the Police Magistrate to attend, \$5.

(6) Schedule A is amended in the sub-heading "Sheriffs"<sup>10 Edw. VII. c. 41, Sched. A, amended.</sup> (item 38), by inserting after the words "Central Prison," in each place where they occur, the words "or Mercer Reformatory," and by adding the following as item 46:—

46. For attending and carrying out a sentence in cases of flogging, \$6, and reasonable disbursements in preparing a triangle, cat, and straps, and a man to execute sentence.

(7) Schedule A is amended by adding the sub-head:

<sup>10 Edw. VII. c. 41, Sched. A, amended.</sup>

"CLERKS OF POLICE COURTS AND OTHER COURTS

For Certificates of previous conviction under section 982 of the Criminal Code, \$1."

(8) Schedule C of *The Administration of Justice Expenses Act* is amended by adding the sub-head "Crown Attorneys"<sup>10 Edw. VII. c. 41, Sched. C, amended.</sup> and the following items under it:—

1. For receiving and examining all informations, depositions, documents, and papers connected with a criminal charge. (*Tariff item No. 1.*)<sup>Crown Attorneys' fees.</sup>

2. For preparing draft and engrossed copy of every indictment, or charge. (*Tariff item No. 2.*)

3. For all business (except items 1 and 2 *supra*, and the following), in conducting the prosecution to judgment, as well before as after trial. (*Tariff item No. 3.*)

4. For every copy of subpoena. (*Tariff item No. 4.*)

5. For every other service not specified above, and for reports on cases of unusual and important character a *quantum meruit* to be determined by the Attorney General on a consideration of the particular circumstances. (*Tariff item No. 5.*)



6. Receiving and examining all informations and other documents and papers in connection with each criminal case at a Sittings of the High Court Division upon the certificate of the Counsel for the Crown at the trial that the fee should be allowed. (*Tariff item No. 6.*)

N.B.—Half the fee to be charged if the case has remained undisposed of from a prior Court and is prosecuted to judgment. These fees not to be allowed if the Crown Attorney is also Counsel for the Crown."

7. Every copy of Subpœna. (*Tariff item No. 7.*)
8. Affidavit and application to Judge for *habeas corpus ad testificandum* and writ, etc. (*Tariff item No. 8.*)
9. Postages per quarter. (*Tariff item No. 9.*)
10. For attendance on the Judge of the County Court by his special requisition in writing, where application is made by a prisoner to be admitted to Bail. (*Tariff item No. 10.*)
11. For attending police court in summary trials under Part XVI. of the Criminal Code where requested in writing by the Police Magistrate to attend. (*Tariff item No. 11.*)

10 Edw. VII.  
c. 41, Sched.  
C, amended.

- (9) Schedule C is amended by inserting a sub-head  
"CLERKS OF THE POLICE COURT AND OTHER COURTS;  
For certificate of previous convictions. *Tariff item No. 1.*)"

10 Edw. VII.  
c. 41, Sched.  
C, amended.

- (10) Schedule C is amended by inserting after the words "Central Prison" where the same occur in items 32 and 34 the words "or Mercer Reformatory," and by adding the following:—

39. Attending and carrying out sentence in cases of flogging and disbursements connected therewith. (*Tariff item No. 46.*)

1 Geo. V.  
c. 25, s. 9,  
amended.

- 22.** Section 9 of *The Conveyancing and Law of Property Act* is amended by striking out the words "a lease of land required by law to be in writing," in the first and second lines thereof.

**23.** *The Conveyancing and Law of Property Act* is <sup>1 Geo. V. c. 25, amended.</sup> amended by adding thereto the following four sections:—

15a. Unless the contrary appears to be the intent of the instrument where in a conveyance the “mining rights” in respect of any land are granted or reserved, such grant or reservation shall be construed to convey or reserve the ores, mines and minerals on or under the land, together with such right of access for the purpose of winning such ores, mines and minerals as is incidental to a grant of ores, mines and minerals. Meaning of “mining rights.”

15b. Unless the contrary appears to be the intent of the instrument where in a conveyance “the surface rights” in respect of any land are granted or reserved, such grant or reservation shall be construed to convey or reserve the land therein described with the exception of the ores, mines and minerals on or under the said land and such right of access for the purpose of winning the ores, mines and minerals as is incidental to a grant of ores, mines and minerals. Meaning of “surface rights.”

15c. In any instrument purporting to deal with “mining rights” or “surface rights” these expressions shall respectively have the meaning affixed to them by the two next preceding sections. Application.

15d. The last preceding three sections shall not go into force until the 1st day of July, 1914, but shall not apply to conveyances by the Crown.

**24.** *The Mortgages Act* is amended by adding the following as section 4a:— 10 Edw. VII. c. 51, amended, s 4a added.

4a. A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person, and in that case he may sue or distrain jointly with such other person. *See R.S.O. 1897, c. 51, s. 58, par. 4.* Action for possession of land by mortgagor.

1 Geo. V.  
c. 26.

**25.**—(1) Subsection 2 of section 37 of *The Trustee Act* is repealed and the following subsections substituted for it:—

Money found to be due infant, etc., on final passing of accounts to be paid into Court.

(2) Where on the passing of the final accounts of a personal representative, guardian or trustee by the Judge of a Surrogate Court, there is found to be in the hands of such personal representative, guardian or trustee any money belonging to an infant, or to a lunatic or person of unsound mind, or to a person whose address is unknown, it shall be the duty of such personal representative, guardian or trustee, to pay the money into the Supreme Court to the credit of the person who is entitled to it.

Accountant to be furnished with copy of order, etc.

(2a) A certified copy of the order or report of the Judge shall be left with the Accountant when the money is paid in, and the person paying it in shall be entitled to deduct \$5 for his costs.

Date of infant attaining majority.

(2b) If an infant is entitled to the money and the date when he will attain his majority does not appear on the face of the order an affidavit stating when he will attain his majority shall be left with the Accountant when the money is paid in, unless the affidavit is dispensed with by the *fiat* of a Judge of the Supreme Court and notice of the payment into Court shall be served upon the Official Guardian.

1 Geo. V., c. 26, amended.

(2) *The Trustee Act* is amended by adding the following as section 17a:—

Disposal of land where trust fails.

17a.—(1) Where land is held by trustees for a charitable purpose and it is made to appear that the land can be no longer advantageously used for such charitable purpose or that for any other reason the land ought to be sold, a Judge of the High Court Division may make an order authorizing the sale thereof and may give such directions in relation thereto and for securing the due investment and application of the money arising from the sale as may be deemed proper.

Notice to Attorney-General.

(2) No such order shall be made unless and until notice of the application has been given to the Attorney-General of Ontario. (See Bill No. 216, 1913.)

10 Edw. VII.  
c. 60,  
amended.

**26.** *The Registry Act* is amended by adding thereto the following section:—

- 5a. Notwithstanding anything herein, until Proclamation by the Lieutenant-Governor in Council to the contrary, all instruments affecting lands with in the City of London which were annexed to the City of London by the order of The Ontario Railway and Municipal Board made in the years 1912 and 1913, shall continue to be registered in the Registry Office for the North and East Ridings of the County of Middlesex, and all books and instruments relating to such lands shall remain in that office.
- Registration of instruments affecting lands in certain parts of London

Those portions of the Townships of London and Westminster, which were in the years 1912 and 1913 annexed to the City of London by orders of The Ontario Railway and Municipal Board, and which before the annexation thereof formed part of the Electoral District of East Middlesex shall, notwithstanding such annexation, continue to form part of the said Electoral District of East Middlesex.

**27.**—(1) Clause (g) of subsection 1 of section 24 of *The Land Titles Act* is amended by adding thereto the words 1 Geo. V. c. cl. (g), amended. “and other right conferred upon or reserved to the Crown by any statute.”

(2) Section 69 of the said Act is hereby amended by 1 Geo. V. c. 28, s. 69, amended. adding the following subsections thereto:

- (6) Where under an Order of Court any freehold or leasehold land or a charge is vested in any person, the Master shall on due proof of the order make such entries in the Register as are necessary to give effect thereto, but if any person whose estate is affected by the Order is not shown by the Order to be a party to the cause or matter in which the Order was made, the applicant shall furnish such evidence as is requisite to show that he is bound thereby.
- Registration under vesting order.
- (7) Where any street, road or lane laid out on a plan registered in a Land Titles Office has become a public highway and has thereby become vested in a municipal corporation the corporation may apply to the proper Master to be entered as the owner thereof.
- Entry on register of Municipal Corporation as owner of streets laid out on plan.

Entry as owner of transferee from a Municipal Corporation of closed-up street.

- (8) Where a highway or part of it has been closed by the action of a municipal council and such highway or part of it has been transferred by the municipal corporation without the corporation having been entered as owner of it, the transferee may apply to be entered as owner of the highway or part of it transferred to him, and upon due proof of the facts the Master may enter such transferee as owner.

Section 163, amended.

- (3) Section 163 of the said Act is amended by striking out all of the section after the word "proceedings" in the fourth line.

1 Geo. V. c. 28, s. 95 (4), amended.

- (4) Subsection 4 of section 95 of *The Land Titles Act* is hereby amended by adding to the said section the following:—

Registration of charge not to be guaranteed.

- "but the registration of any such charge shall not be deemed a guarantee that the proceedings necessary to render the same valid have been duly taken."

10 Edw. VII. c. 65, s. 2, cl. (b), amended.

- 28.** Clause (b) of section 2 of *The Bills of Sale and Chattel Mortgages Act* is amended by inserting therein after the word "bargainor," in the fourth line thereof the words "the liquidator of a company in a winding up proceeding under *The Winding Up Act of Canada*."

1 Geo. V. c. 35, s. 6 (1), amended.

- 29.**—(1) Subsection 1 of section 5 of *The Infants Act* is amended by inserting after the word "sale" in the third and eighth lines the word "mortgage."

s. 5 (2), amended.

- (2) Subsection 2 of said section is amended by inserting after the word "sale" in the first line the word "mortgage."

1 Geo. V. c. 37, s. 20, amended.

- 30.** Section 20 of *The Landlord and Tenant Act* is amended by adding the following subsection:—

Condition for relief for non-insurance.

- (10) Where the right of re-entry or forfeiture is in respect of a breach of a covenant or condition to insure, relief shall not be granted if at the time of the application for relief there is not an insurance on foot in conformity with the covenant or condition to insure except (in addition to any other terms which the Court may impose) upon the term that the insurance is effected. *See* R.S.O. 1897. c. 51, ss. 30-32.

**31.** A graduate of a Veterinary College recognized by the Lieutenant-Governor in Council may practice in the Province of Ontario upon passing all the examinations of the senior class of the Ontario Veterinary College at the time and place of the annual examinations of the aforesaid Ontario Veterinary College; provided, however, that the applicant for such examination shall pay a fee of \$25, and shall produce a veterinary preceptor's testimonial certifying that he has practised veterinary surgery under said preceptor for at least six months, or in lieu of said testimonial a statutory declaration certifying that the applicant has practised veterinary surgery for at least one year after graduating from such recognized Veterinary College.

Veterinary  
Surgeons.  
admission  
of certain  
practition-  
ers.

**32.** Subsection 2 of section 14 of *The Embalmers Act* is amended by striking out the word "notice," in the second line, and inserting in lieu thereof the word "license."

1 Geo. V.  
c. 51, s. 14  
(2),  
amended.

**33.**—(1) Section 7 of *The Ontario Companies Act* is amended by striking out the words "the company," in the fourth line thereof and inserting in lieu thereof the words "a corporation without share capital," and as so amended shall take effect as if enacted on the 1st day of August, 1912.

2 Geo. V.  
c. 31, s. 7,  
amended.

(2) Section 8 of the said Act is amended by adding at the end thereof the words "or memorandum of agreement."

2 Geo. V. c.  
31, s. 8,  
amended.

(3) Section 9 of the said Act is amended by adding at the end thereof the words "or by Supplementary Letters Patent."

2 Geo. V. c.  
31, s. 9,  
amended.

(4) Subsection 2 of section 10 is amended by striking out the word "corporations" in the twelfth line and the word "corporation" in the last line, and inserting in lieu thereof the words "companies" or "company" respectively.

2 Geo. V. c.  
31, s. 10 (2),  
amended.  
"Com-  
panies"  
substituted  
for "Cor-  
porations."

(5) Clause (b) of section 14 of the said Act is amended by striking out the word "private" in the third line thereof and substituting therefor the word "public," and by adding after the word "debentures" in the fifth line of the said clause (b) the words "or a prospectus," and as so amended shall take effect as if enacted on the 1st August, 1912. (See Bill No. 216, 1913.)

2 Geo. V. c.  
31, s. 14,  
cl. (b),  
amended.

(6) Subsection 2 of section 16 of the said Act is amended by adding after the word "confirmed" in the second line thereof the words "in the case of a company," and by inserting after the word "or" in the fifth line thereof the words "in the case of a corporation without share capital."

2 Geo. V. c.  
31, s. 16 (2),  
amended.  
Companies  
and cor-  
porations  
without  
share  
capital  
referred to.

2 Geo. V. c.  
31, s. 23,  
cl. (g)  
amended.  
Letters  
Patent and  
Supple-  
mentary  
Letters  
Patent  
added.

(7) Clause (g) of subsection 1 of section 23 is amended by adding at the end thereof the words "and of the objects set out in the Letters Patent and Supplementary Letters Patent."

2 Geo. V. c.  
31, s. 25,  
amended (b)  
substituted  
for (h).

(8) Section 25 of the said Act is amended by striking out the letter "(h)" in the sixth line thereof and substituting therefor the letter "(b)".

2 Geo. V.  
c. 31,  
Amended.

(9) The said Act is further amended by adding the following as section 34a:—

"Private  
Company"  
to be on  
seal and on  
share  
certificates.

34a.—(1) Every private company shall have on its seal the words "Private Company" and upon every share certificate issued by the Company there shall be distinctly written or printed the same words.

Not to be in  
force un-  
til July  
1st, 1913.

(2) This section shall not go into force until the first day of July next.

2 Geo. V. c.  
31, s. 34 (5),  
amended.  
Penalty to  
apply to  
s. s. 34,  
and 34 a.

(10) Subsection 5 of section 34 of the said Act is amended by striking out the words "foregoing provisions of this section" and substituting the words "provisions of the next preceding two sections," and by numbering the subsection as section 34b.

2 Geo. V. c.  
31, subhead-  
ing of  
Part III.  
extended.

(11) The subheading of Part III, namely, "*First Meeting of Private Company*," is extended by adding after the word "company" the words "and companies which are not offering shares, debentures or debenture stocks to the public for subscription."

2 Geo. V. c.  
31, s. 25 (2)  
amended.  
Marks  
included.

(12) Subsection 3 of section 52 of the said Act is amended by striking out the word "or" in the first line thereof, and by adding after the word "frances" in the second line thereof the words "or marks."

2 Geo. V. c.  
31, s. 25, (4)  
amended.  
Value in  
marks given.

(13) Subsection 4 of the said section is amended by adding after the word "or" where it secondly appears in the fourth line thereof the word "twenty."

2 Geo. V. c.  
31, s. 92 (1),  
amended.

(14) Subsection 1 of section 92 of the said Act is amended by striking out the words "except as hereinbefore provided" in the fifth line.

2 Geo. V.  
c. 31, s. 93,  
amended.

(15) Section 93 of the said Act is amended by adding the following subsections:—



- (2) Nothing in this section shall prevent a Mining Company or a company whose assets are of a wasting character from declaring or paying dividends out of its funds derived from the operations of the Company. Case of Companies with wasting assets.
- (3) The powers conferred by subsection 2 may be exercised notwithstanding that the value of the net assets of the Company may be thereby reduced to less than the par value of the issued capital stock of the Company if the payment of the dividends does not reduce the value of its remaining assets so that they will be insufficient to meet all the liabilities of the Company exclusive of its nominal paid-up capital. How far capital may be impaired.
- (4) A dividend may be paid by any such company distributing in specie or in kind, assets of the company not exceeding in value the amount of the dividend. Dividends, how payable.
- (5) The powers conferred by subsection 2 shall not be exercised by any such company unless under the authority of a by-law passed by the directors and confirmed at a general meeting duly called for the purpose of considering the same by a vote of the shareholders present or represented by proxy and holding not less than two-thirds of the issued capital stock represented at such meeting. Approval of shareholders.
- (6) Where dividends have already been paid by such a company in any of the cases mentioned in subsection 2, the payment thereof shall be deemed valid if a by-law adopting and approving the same is passed by the directors and approved by vote of the shareholders in the manner mentioned in subsection 5.
- (16) Subsection 2 of section 97 of the said Act is amended by inserting after the word "Part" in the first line the words "except section 100." 2 Geo. V. c. 31 s 97 (2) amended. S. 100 excepted from part VII.
- (17) Subsection 2 of section 100 is amended by adding thereto the words "or to shares subscribed for by the petitioners for the Letters Patent before the issue thereof." S. 100 (2) amended.
- (18) The fourth paragraph of Form 5 is amended by striking out the words "fixed by the memorandum of association." 2 Geo. V. c. 31. Form 5 amended.

2 Geo. V. c.  
1, s. 91, subs.  
1, amended.

**34.**—(1) Subsection 1 of section 91 of *The Ontario Companies Act* is amended by striking out the words “or as a shareholder in a company which is so interested,” in the 4th and 5th lines of the said subsection. See 7 Edw. VII. c. 34, s. 89.

2 Geo. V. c.  
1, s. 91, subs.  
2, amended.

(2) Subsection 2 of the said section 91 is amended by adding the following proviso at the end of the said subsection:

Provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares in any other company with which a contract or arrangement is made or contemplated. See 7 Edw. VII. c. 34, s. 89.

2 Geo. V.  
c. 31, s. 160,  
amended.

(3) Section 160 of *The Ontario Companies Act* is amended by inserting after the word “and” in the eighth line the words “and notice of the approval has been,” and by adding at the end of the section the words “unless such publication is dispensed with by the Minister.”

2 Geo. V.  
c. 34, s. 114,  
amended.

**35.**—(1) Section 114 of *The Loan and Trust Corporations Act* is amended by striking out the words “and trust,” in the third line thereof.

2 Geo. V.  
c. 34, s. 142,  
amended.

(2) Section 142 of *The Loan and Trust Corporations Act* is amended by inserting the figures “49” after the figures “47,” in the second line of the said section.

2 Geo. V.  
c. 50, s.  
14 (4),  
amended.

**36.** Subsection 4 of section 14 of *The Toll Roads Act* is amended by striking out the figures “162,” in the first line and inserting in lieu thereof the figures “164”.

2 Geo. V.  
c. 43, s. 7 (2),  
amended.

**37.** Subsection 2 of section 7 of *The City and Suburbs Plans Act* is amended by striking out the words “shall have otherwise directed” and substituting therefor the words “otherwise directs.”

9 Edw. VII.  
c. 80, s. 7,  
subs. 1,  
amended.

**38.**—(1) Subsection 1 of section 7 of *The Public Libraries Act* is amended by striking out all the words after the word “council” in the 6th line and substituting therefor the words “two by the High School Board, two by the Public School Board, and two by the Separate School Board, or, where there is a Board of Education, four by it and two by the Separate School Board.”

Board, how  
constituted.

(2) Section 7 of *The Public Libraries Act* is further<sup>9 Edw. VII. c. 80, s. 7, amended.</sup> amended by adding the following subsections:—

(2a) Of the members to be appointed by the High<sup>Principal of each class of school to be</sup> School Board, the Public School Board, and the Separate School Board, respectively, one<sup>appointed.</sup> shall be the principal of one of the schools under the charge of the Board.

(2b) One of the four members to be appointed by<sup>Where there is a Board of Education.</sup> the Board of Education shall be the Principal of one of the High Schools, one shall be the Principal of one of the Public Schools, and one shall be the Principal of one of the Industrial and Technical Schools, and one the Principal of one of the Commercial High Schools, if any, under the charge of the Board.

(2c) If a principal so appointed declines to act the<sup>Where principal declines to act.</sup> Board of Education shall appoint in his place a member of the staff of the school of which he is the principal.

(2d) The members of the Board as at present consti-<sup>Present members to remain in office.</sup> tuted shall remain in office until their successors are appointed under the provisions of this Act.

(3) This section shall not come into force or take effect<sup>Commencement of section.</sup> until a day to be named by the Lieutenant-Governor in Council by his proclamation. (See Bill No. 216, 1913.)

**39.** *The Public Parks Act* is amended by adding thereto<sup>2 Geo. V. c. 46, s. 13a, added.</sup> the following section:—

13a.—(1) The council of the municipality may by<sup>Municipality may</sup> law provide that any land acquired by the cor-<sup>empower</sup> poration and not immediately required for any<sup>Board to</sup> other purpose shall be under the management and<sup>manage any</sup> control of the Board, and the Board may set<sup>corporation</sup> apart such land or any part thereof for athletic<sup>land.</sup> purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments and may lease the same for such purposes for such times and on such terms as the Board may see fit.

(2) The council may repeal any by-law passed under<sup>Council may</sup> subsection 1, and the corporation may thereafter<sup>repeal by-</sup> sell or otherwise dispose of the land or use the<sup>law.</sup> same for any lawful purpose of the corporation.

1 Geo. V.  
c. 73, s. 4,  
amended.

**40.** Section 4 of *The Theatres and Cinematographs Act* is amended by adding the following subsection:—

Appoint-  
ment of  
inspectors.

(3) The Lieutenant-Governor in Council may appoint an inspector to inspect Theatres, Cinematographs, Moving Picture Machines or other similar apparatus and perform such other duties as the Lieutenant-Governor in Council may require.

2 Geo. V.  
c. 66,  
amended.

**41.** *The Pounds Act* is amended by adding the following sections:—

No dam-  
ages for  
animals  
running at  
large in  
Districts  
unless  
contrary to  
municipal  
by-law.

3a.—(1) Damages shall not be recoverable in respect of injuries committed upon any land in a Provisional Judicial District by horses, cattle, sheep or swine straying on such land unless the animal so straying was running at large contrary to a municipal by-law.

Unless  
animal  
broke  
through or  
jumped  
over fence.

(2) Where there is no such by-law in force in the municipality or where such trespass was committed upon land in any part of a Territorial District, without municipal organization no such damages shall be recoverable unless the animal has broken through or jumped over a fence then being in reasonably good repair and of the height of four and one-half feet.

Section not  
applicable  
to breachy  
animals.

(3) This section shall not apply to breachy or unruly animals. R.S.O. 1897, c. 109, s. 94. *Amended.*

No bull  
ten months  
old to run  
at large.

3b. No bull over the age of ten months shall be allowed to run at large in any part of the said Districts not included within the limits of an organized municipality. 9 Edw. VII. c. 56, s. 1, *part.*

Owner  
of bull  
liable for  
damages.

3c.—(1) The owner of any bull running at large, contrary to the provisions of the next preceding section shall be liable in damages for all injuries committed by such animal, and also to a penalty not exceeding \$10, recoverable under the provisions of *The Ontario Summary Convictions Act*. 9 Edw. VII. c. 56, *part.*

10 Edw.  
VII. c. 37.

2 Geo. V.  
c. 69, s. 3.

**42.**—(1) Section 3 of *The Fruit Pests Act* is amended by inserting the words “a Provincial entomologist and” after the word “appoint” in the second line.

2 Geo. V.  
c. 69,  
s. 4 (2)  
amended.

(2) The said Act is further amended by striking out the word “inspector” in the second line of subsection 2 of section 4 and substituting therefor the word “entomologist.”

(3)

(3) Section 8 of the said Act is amended by striking out <sup>2 Geo. V. c. 69, s. 8, amended.</sup> the word "inspector" in the second and third lines and substituting therefor the word "entomologist."

(4) Section 9 of the said Act is amended by striking out <sup>2 Geo. V. c. 61, s. 9, amended.</sup> the word "inspector" in the fourth line thereof and substituting therefor the word "entomologist," and by striking out the words "shall be subject to the penalties as prescribed by this Act" in the fifth and sixth lines and substituting therefor the words "The Minister may withhold from the township all or any part of the amount due to it for services."

(5) Section 11 of the said Act is amended by striking out <sup>2 Geo. V. c. 69, s. 11, amended.</sup> the last three lines and substituting therefor the words "until he has received a certificate from the Provincial Entomologist that his nursery has been examined and found to be apparently free from disease. Such certificate shall be good for one year from the date of issue but may be renewed from year to year."

(6) Section 12 of the said Act is amended by striking <sup>2 Geo. V. c. 69, s. 12, amended.</sup> out the word "above" in the last line.

43. Section 5 of *The Foul Brood Act* is amended by adding the words "or removes from the premises" after the word "away," in the third line thereof. <sup>Foul brood in bees. 2 Geo. V. c. 73, s. 5, amended.</sup>

44. Subsection 1 of section 6 of *The Wolf Bounty Act* <sup>1 Geo. V. c. 77, s. 6, subs. 1, amended.</sup> is amended by adding after the word "Court," in the sixth line thereof, the following words, "Notary Public, a Commissioner for taking affidavits, or a Justice of the Peace in and for such District."

45. *The Upper Canada College Act, 1900*, is amended by <sup>63 V. c. 55</sup> adding thereto the following sections:—

19. The expenditure by the Board of part of the permanent fund of the College in the purchase of <sup>Expenditure for purchase of land on 15th Oct., 1900, validated.</sup> 22, 51-100 acres of land adjoining the land owned by the College on the 15th day of November, 1900, is declared to have been a valid expenditure of the money of the permanent fund for that purpose.

20. The Board may from time to time temporarily use <sup>Use of part of permanent fund.</sup> money, not exceeding in the aggregate \$30,000, of the permanent fund of the College for any purpose in connection with the maintenance or administration of the College, and may raise such money by pledge or mortgage of any securities held, or of the lands of the College, or any part thereof.

Money may  
be raised  
temporarily  
on mortgage.

21. The Board may raise money temporarily upon mortgage or charge of the land of the College or any part thereof pending sale for the purpose of acquiring other land and establishing the College elsewhere as hereinafter mentioned.

Power to  
sell and  
dispose of  
land.

22. With the consent of the Lieutenant-Governor in Council the Board may from time to time sell and dispose of the land of the College or any part thereof.

Change of  
site author-  
ized.

23. If such sale or sales of land be with the object of or shall necessitate the establishment and continuance of the College elsewhere in Ontario than upon its present site the proceeds of the sale shall be applied for that purpose so far as may be necessary and all money not required for that purpose shall form part of the permanent fund of the College.

Application  
of Statute  
of Limita-  
tions.

24. All real property now or hereafter vested in the College shall so far as the application thereto of any statute of limitation is concerned be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. *See* 6 Edw. VII. c. 55, s. 15.

Wedd and  
Martland  
Superan-  
nuation  
not to be  
affected.

25. Nothing in this Act shall affect or interfere with the provisions of any Order in Council relating to the superannuation of William Wedd and John Martland, formerly masters, in force on the 5th day of May, 1894. *See* 63 Vict. c. 55, s. 4 (3).

When the  
President  
of the High  
Court Divi-  
sion to be  
ex-officio  
member of  
the Board.

26. If and while the same person fills the offices of Chief Justice of Ontario and Chancellor of the University of Toronto, the President of the High Court Division of the Supreme Court of Ontario shall be an *ex-officio* member of the Board.

Deaf and  
Dumb and  
Blind insti-  
tutions,  
name  
changed to  
College.

46. The Ontario Institution for the Education and Instruction of the Deaf and Dumb shall hereafter be known as "The Ontario School for the Deaf," and The Ontario Institution for the Education and Instruction of the Blind shall hereafter be known as "The Ontario School for the Blind."

c 80, s. 16,  
amended.  
Subsec. 2  
added.

47. Section 16 of *The Royal Ontario Museum Act* is amended by adding the following as subsection 2:—

(2)

- (2) The one-half of the cost of maintenance to be borne <sup>Cost of mainten-</sup>  
by the Province shall be chargeable on and shall <sup>ance.</sup>  
be paid out of the Consolidated Revenue Fund.

**48.** Sections 1, 2, 3, 4, 22, 30, 31 to 47, 49 to 54, <sup>Rev. Stat.</sup>  
75 to 87, and 89 to 94 of *The Unorganized Territory Act*, <sup>c. 109, ss.</sup>  
section 4 of chapter 14 of the Acts passed in the 62nd year <sup>1-4, 22, 30,</sup>  
of the reign of Her late Majesty Queen Victoria (2nd Ses- <sup>31-47, 49-54,</sup>  
sion), chapter 56 of the Acts passed in the 9th year of <sup>75-87, 89-94,</sup>  
the reign of His late Majesty King Edward the Seventh and <sup>and amend-</sup>  
section 24 of chapter 17 of the Acts passed in the 2nd year <sup>ments re-</sup>  
of the reign of His present Majesty, are repealed. <sup>pealed.</sup>

**49.** Chapter 27 of the Revised Statutes of Ontario, 1897, <sup>Repeal of</sup>  
being *An Act respecting the Government House Property*; <sup>Rev. Stat.</sup> c. 27.

Chapter 82 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*respecting the restitution of Stolen Goods*; <sup>c. 82.</sup>

Chapter 229 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*respecting Municipal Auditors*; <sup>c. 229.</sup>

Chapter 252 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*to prevent fraud in the sale of milk in cities and towns*; <sup>c. 252.</sup>

Chapter 273 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*to prevent the spread of contagious disease among horses*; <sup>c. 273.</sup>

Chapter 274 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*to make provision for preventing the spread of certain ma-* <sup>c. 274.</sup>  
*lignant diseases among horses.*

Chapter 310 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*to establish an Industrial Refuge for Girls*; <sup>c. 310.</sup>

Chapter 313 of the said Revised Statutes, being *An Act* <sup>Rev. Stat.</sup>  
*respecting the Ontario Reformatory for Boys*; and <sup>c. 313.</sup>

Section 47 of Chapter 7 of the Acts passed in the third <sup>3 Edw. VII.</sup>  
year of the reign of His late Majesty King Edward the <sup>c. 7, s. 47,</sup>  
Seventh are repealed. <sup>repealed.</sup>

**50.**—(1) Section 2 of the Act passed in the first year <sup>1 Geo. V.</sup>  
of His Majesty's reign and chaptered 4, is amended by <sup>c. 4, s. 2,</sup>  
striking out the words "at a rate not exceeding four per <sup>amended.</sup>  
centum per annum," in the second and third lines thereof. <sup>Government</sup>  
<sup>securities,</sup>  
<sup>rate of</sup>  
<sup>interest.</sup>

(2) Section 2 of the Act passed in the second year of <sup>2 Geo. V.</sup>  
His Majesty's reign and chaptered 2, is amended by striking <sup>c. 2, s. 2,</sup>  
out the words "at a rate not exceeding four per centum per <sup>amended.</sup>  
annum," in the second and third lines thereof. <sup>Government</sup>  
<sup>securities,</sup>  
<sup>rate of</sup>  
<sup>interest.</sup>



Subsections  
1 and 2 to  
be retro-  
active.

(3) Subsection 1 of this section shall be deemed to have been in force from the 24th day of March, 1911, and subsection 2 from the 16th day of April, 1912.

Securities  
may be  
issued at a  
discount.

(4) Notwithstanding anything contained in any Act heretofore passed, it has been and is lawful for the Lieutenant-Governor in Council and the Treasurer of Ontario to issue the securities of the Province authorized by any Act for raising money on the security of the Consolidated Revenue Fund, at a discount, notwithstanding that the result of such discount is to increase the costs of the loan beyond any limitation as to the rate of interest payable upon such securities contained in the Act by which the loan is authorized.

Payment to  
members of  
committee  
on assess-  
ment act  
authorized.

51. Authority is hereby given for payment of an allowance to the members of the Select Committee on Bills relating to the Assessment Law which met during November and December, 1912, at the rate of six dollars per diem for each day's actual attendance, in addition to an allowance of four dollars per diem for each day's attendance and time in going to and returning from the meetings of the said Committee.

2 Geo. V.  
c. 21,  
amended,  
s. 13a,  
added.

52. The Act to create the Territorial and Provisional Judicial District of Temiskaming is amended by adding the following as section 13a:—

Judge and  
Clerk to be  
selectors  
of juries.

13a.—(1) The Judges and the Clerk of the District Court of the District of Nipissing shall be selectors of jurors for the District of Temiskaming for the present year (1913) and may select, choose and return as jurors any of the inhabitants of the last named District without reference to or following the mode prescribed for selecting, balloting or returning jurors by *The Jurors Act*. See 6 Edw. VII. c. 19, s. 17.

Book for  
recording  
names,  
selected  
and verifi-  
cation of.

(2) The names selected shall be copied by the Clerk into a book to be kept by him for that purpose and the selectors shall certify under their hands in such book that the names therein were on such a day duly selected.

63 Vict. c.  
30, s. 4, as  
amended by  
1 Edw. VII.  
c. 12, s. 33,  
amended.

53. Section 4 of *The Act respecting Aid by Land Grant to the Algoma Central Railway Company* (as amended by section 33 of an Act passed in the first year of the reign of His late Majesty, King Edward Seventh and chaptered 12), is amended by adding at the end thereof the following words: "Notwithstanding any provision hereinbefore contained

the Lieutenant-Governor in Council may in respect of the lands so to be granted set apart from time to time such lands out of the ungranted lands of Ontario lying south of the main line of the Canadian Pacific Railway and in such locations, as he may deem expedient.”

Land grant  
to Algoma  
Central  
Railway.

**54.** The following section is added to the Act passed in the first year of the reign of His late Majesty, King Edward Seventh, chaptered 23, as section 3a, thereof:—

1 Edw. VII.  
c. 23,  
amended.

2a. Notwithstanding anything hereinbefore contained, the Lieutenant-Governor in Council may set apart from time to time such lands out of the ungranted lands of Ontario lying in the Districts of Algoma and Sudbury in said Province, and in such locations, as he may deem expedient.

Lands may  
be set apart  
in Algoma  
and Sud-  
bury.

**55.**—(1) Notwithstanding anything contained in the undermentioned Acts or either of them, the time for earning the Land Grant granted to The Algoma Eastern Railway Company (formerly the Manitoulin and North Shore Railway Company) by 1 Edward VII., chapter 23, and for earning the cash subsidy granted said Railway Company by 9 Edward VII., chapter 72, is extended to the 31st day of December, 1914.

Extension of  
time for  
earning land  
grant to  
Algoma  
Eastern.

(2) An extension to the 31st day of December, 1914, is hereby granted to The Algoma Eastern Railway Company (formerly The Manitoulin and North Shore Railway Company) to earn the Land Grant granted to said Company by the Act passed in the first year of the reign of His late Majesty King Edward VII., chaptered 23, with respect to that portion of the line of railway of said Company from the Town of Little Current, in the District of Manitoulin, to the Town of Sudbury, in the District of Nipissing, and to earn the cash subsidy granted to said Company by the Act passed in the ninth year of the reign of His late Majesty King Edward VII., chaptered 72.

Branch from  
Little  
Current to  
Sudbury.

(3) Notwithstanding anything contained in the said Act passed in the first year of the reign of His late Majesty King Edward VII., chaptered 23, and the said Act passed in the ninth year of the reign of His late Majesty, King Edward VII., chaptered 72, the completion of the said line of railway from Little Current to Sudbury, on or before the said 31st day of December, 1914, shall entitle the said Company to obtain and have said Land Grant, and cash subsidy.

Time for  
completion  
of line from  
Little  
Current to  
Sudbury.

Village of  
Athens.

**56.** Whereas the village of Athens composes part of the High School District of Athens, and whereas a by-law number 184 was finally passed by the Municipal Council of the said Village on the 17th day of February, 1913, providing for the issue of debentures payable over a period of thirty years in order to raise funds required for High School purposes; and whereas by error the first of the said debentures is made payable on the 31st day of December, 1912; and whereas it is expedient to correct the said error;

It is hereby enacted as follows:—

Debenture  
by-law cor-  
rected and  
validated.

The dates for payment of the debentures to be issued under the said by-law are hereby changed, and shall extend from the year 1913 to the year 1942; the first of the said debentures shall be payable on the 31st December, 1913, and each subsequent debenture yearly thereafter until the 31st December, 1942, on which day the last of the debentures shall be payable, and subject to the above change the said by-law is hereby declared to be legal, valid and binding.

Error cor-  
rected as  
to division  
of town-  
ship of  
Dover  
into Dover  
East and  
West.

10 Edw.  
VII, c. 2.

8 Edw.  
VII, c. 2.

**57.** Whereas the Township of Dover in the County of Kent for many years past and in divers Acts of this Legislature and of the Legislature of the former Province of Canada and more particularly in *The Territorial Division Act*, 1910, and *The Representation Act*, 1908, has been erroneously referred to and numbered or mentioned, as if the same consisted of two townships named Dover East and Dover West; and whereas there is but one Township of Dover and there are no Townships of Dover East and Dover West in the said County, and it is desirable to correct the said error:

It is hereby declared that the township so erroneously referred to and numbered as the Townships of Dover East and Dover West is the Township of Dover in the County of Kent, and ought to have been, and shall be deemed to have been so referred to and numbered or mentioned and described in the said Acts and in any Act where the Townships of Dover East and Dover West are referred to.

Town of  
Haileybury  
authorized  
to purchase  
certain  
lands.

**58.** The municipal corporation of the Town of Haileybury with the assent of the electors qualified to vote on money by-laws may purchase the west half of lot 7, lots 8, 9 and 10, the west half of lot 17, lots 18, 19 and 20 in Block "J," in the Town of Haileybury, according to Plan M-13, filed in the office of Land Titles at North Bay and convey the same to the Crown as represented by the Government of the Province of Ontario as a site for judicial and other buildings and may borrow money by the issue and sale of debentures payable within a term not exceeding 30 years from the issue thereof  
for

for paying the purchase price of the same; and if the assent of the electors is not obtained the said corporation may convey to the Crown as so represented lot No. 119 in the Town of Haileybury according to Plan M-46 filed in the office of Land Titles at North Bay and in that event may assume and pay as a liability of the corporation at large any outstanding debentures issued for school purposes in connection with the said lot 119; and any by-law passed with such assent for the issue of debentures for the purchase of the said lots and the debentures to be issued thereunder when issued or the assumption of such public school debentures shall be legal, valid and binding on the said corporation and on the ratepayers thereof.

**59.** Subsection 2 of section 4 of the Act passed in the first year of His Majesty's reign, chaptered 119, is amended by inserting after the word "may" in the first line of the subsection the words "without obtaining the assent of the electors qualified to vote on money by-laws as provided by *The Municipal Act*," and the said subsection shall be read and construed as if it had been originally enacted as hereby amended.

<sup>1</sup> Geo. V. c. 119, s. 4 (2), amended. Assent of electors not required to guarantee of Harbour debentures.

**60.** Without prejudice to the right of either party to appeal from the Order made by The Ontario Railway and Municipal Board and dated the 14th March, 1913, the sum of \$10,000 shall be paid by The Detroit River Tunnel Company to the City of Windsor as, and in full of taxes for the year 1913, notwithstanding the result of such appeal. (See Bill No. 216, 1913.)

Detroit River Tunnel Co. to pay City of Windsor \$10,000 for taxes for 1913.

**61.** Section 1 of *The Act respecting The Consolidated Telephone Company, Limited*, passed at the present session is amended by inserting after the word "Company," in the eleventh line the words "and all agreements, contracts and obligations made or entered into by or with the said company shall be legal, valid and binding to the same extent as they would have been if such errors, omissions and irregularities had not been made," and such amendment shall be incorporated in the said Act in the annual volume of the Statutes.

<sup>3</sup> Geo. V. c. 139, s. 1 amended.

**62.** Where any chapter of the Revised Statutes of Ontario, 1897, or any chapter of the Acts passed at any subsequent Session is amended and at this Session a substantive Act is passed amending the same chapter the Law Clerk of the Legislative Assembly in preparing the annual volume of Statutes for publication shall incorporate the amendment so made by this Act in such substantive amending Act.

Incorporation of amendments made by this Act in other Acts.

## CHAPTER 19.

An Act respecting The Supreme Court of Ontario and the Administration of Justice in Ontario.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PRELIMINARY.

- Short title.      **1.** This Act may be cited as *The Judicature Act*,
- Interpreta-      **2.**—(1) In this Act,—  
tion.
- “Action.”      (a) “Action” shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by the Rules;
- “Appellate Division.”      (b) “Appellate Division” shall mean Appellate Division of the Supreme Court;
- “Cause.”      (c) “Cause” shall include an action, suit or other original proceeding between a plaintiff and a defendant;
- “County.”      (d) “County” shall include District;
- “County Court.”      (e) “County Court” shall include District Court;
- “County town.”      (f) “County Town” shall include District Town;
- “Court of Appeal.”      (g) “Court of Appeal” shall mean Court of Appeal for Ontario;
- “Defendant.”      (h) “Defendant” shall include a person served with a writ of summons or process, or served with notice of or entitled to attend a proceeding;

- (i) "Divisional Court" shall mean Divisional Court <sup>"Divisional Court."</sup> of the Appellate Division;
- (j) "High Court" shall mean High Court of Justice <sup>"High Court."</sup> for Ontario;
- (k) "High Court Division" shall mean High Court <sup>"High Court Division."</sup> Division of the Supreme Court;
- (l) "Judge" shall include a Chief Justice and an <sup>"Judge."</sup> *ex-officio* Judge;
- (m) "Judgment" shall include an order; "Judgment."
- (n) "Matter" shall include every proceeding in the <sup>"Matter."</sup> Court not in a cause;
- (o) "Party" shall include a person served with notice <sup>"Party."</sup> of or attending, a proceeding, although not named on the record;
- (p) "Petitioner" shall include a person making an <sup>"Petitioner."</sup> application to the Court, either by petition, motion or summons, otherwise than as against any defendant;
- (q) "Pleading" shall include a petition or summons. <sup>"Pleading."</sup> the statement in writing of the claim or demand of a plaintiff, of the defence of a defendant thereto, and of the reply of the plaintiff to a counterclaim of a defendant;
- (r) "Plaintiff" shall include a person asking any re- <sup>"Plaintiff."</sup> lief otherwise than by way of counter-claim as a defendant against any other person by any form of proceeding;
- (s) "Proper officer" where that expression is used <sup>"Proper officer."</sup> with respect to a duty to be discharged under this Act or the Rules and that duty has been heretofore discharged by a particular officer, shall mean that officer, and where that expression is used in respect to a new duty under this Act or the Rules shall mean the officer to whom the duty is assigned by this Act or by the Rules or if it is not assigned to any officer shall mean such officer as shall from time to time be directed to discharge the duty, if it relates to the Appellate Division by the Chief Justice of Ontario, or if it relates to the High Court Division by the President of that Division;

(t)

"Rules."

(t) "Rules" shall mean Rules of Court, and shall include those made under the authority of this or any other Act.

"Supreme Court."

(u) "Supreme Court" shall mean Supreme Court of Ontario.

Words in singular number.

(2) Words in the singular number interpreted by subsection 1 shall have a corresponding meaning when used in the plural. R.S.O. 1897, c. 51, s. 2; 9 Edw. VII. c. 28, s. 2, *amended*.

#### CONSTITUTION AND JUDGES OF SUPREME COURT.

Supreme Court continued.

**3.** The Supreme Court shall be continued as a Superior Court of Record, having civil and criminal jurisdiction, and it shall have all the jurisdiction, power and authority which on the 31st day of December, 1912, was vested in or might be exercised by the Court of Appeal or by the High Court of Justice or by a Divisional Court of that Court, and such jurisdiction, power and authority shall be exercised in the name of the Supreme Court. R.S.O. 1897, c. 51, s. 3 (1); 9 Edw. VII. c. 28, s. 3, *amended*.

Jurisdiction of Supreme Court.

Supreme Court to consist of two divisions.

**4.** The Supreme Court shall continue to consist of two branches or divisions, which shall be designated respectively "The Appellate Division of the Supreme Court of Ontario," and "The High Court Division of the Supreme Court of Ontario." R.S.O. 1897, c. 51, s. 3; 9 Edw. VII. c. 28, s. 4.

Constitution of Appellate Division.

**5.** The Appellate Division shall continue to consist of a Chief Justice, who shall be the President of the Division and shall be called the Chief Justice of Ontario, and four other Judges, to be called Justices of Appeal, and of the other Judges of the High Court Division who for the time being constitute or are members of a Divisional Court. R.S.O. 1897, c. 51, s. 6; 9 Edw. VII. c. 28, s. 5 (1), *amended*.

Constitution of High Court Division.

**6.—(1)** The High Court Division shall continue to consist of fourteen Judges. R.S.O. 1897, c. 51, s. 3 (3); 9 Edw. VII. c. 28, s. 6; 10 Edw. VII. c. 28, s. 1.

Chancellor and Chief Justices to retain rank and title.

Senior to be President of High Court Division.

(2) The Chancellor of Ontario, the Chief Justice of the King's Bench, the Chief Justice of the Exchequer and the Chief Justice of the Common Pleas shall retain their present rank and titles, and the senior of them for the time being or the last of them who holds office as the case may be shall be the President of the High Court Division.



(3) The Justices of Appeal now holding office shall retain their present rank and precedence.

Rank of present Justices of Appeal.

(4) When a vacancy occurs in any of the offices mentioned in subsection 2, the office which becomes vacant shall be abolished.

When vacancy occurs office to be abolished.

(5) When all of the offices mentioned in subsection 2 have ceased to exist, the High Court Division shall consist of a Chief Justice, who shall be the President of the Division and shall be called the Chief Justice of the High Court, and thirteen other Judges. 9 Edw. VII. c. 28, s. 8, (1, 2), *amended*.

When all the offices cease to exist High Court Division to consist of a Chief Justice and thirteen other Judges.

7.—(1) The Chief Justice of Ontario shall have rank and precedence over all the other Judges.

Precedence of Chief Justice of Ontario.

(2) The Chief Justice of the High Court shall have rank and precedence next after the Chief Justice of Ontario.

Precedence of Chief Justice of High Court and Justices of Appeal.

(3) The Justices of Appeal hereafter appointed and the other Judges shall have rank and precedence after the Chief Justice of the High Court and among themselves according to seniority of appointment.

Precedence of other Judges.

(4) Subsections 2 and 3 shall be subject to the provisions of section 6. R.S.O. 1897, c. 51, s. 8; 9 Edw. VII. c. 28, s. 9.

Subject to s. 6.

8. Every Judge appointed to the Appellate Division or to the High Court Division shall be a Judge of the Supreme Court and shall be *ex officio* a Judge of the Division of which he is not a member, and, except where it is otherwise expressly provided, all the Judges of the Supreme Court shall have in all respects equal jurisdiction, power and authority. R.S.O. 1897, c. 51, s. 3 (7), *part*; 9 Edw. VII. c. 28, s. 11, *amended*.

Every Judge to be a Judge of the Supreme Court.

9.—(1) Every Judge hereafter appointed, before entering on the duties of his office, shall take and subscribe the following oath:—

Oath of office.

"I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as  
so help me God."

Form.

R.S.O. 1897, c. 51, s. 22.

(2) The oath shall be administered to a Chief Justice before the Lieutenant-Governor in Council, to a Justice of

How oath to be administered.

Appeal

Appeal by the Chief Justice of Ontario, and to a Judge of the High Court Division by the President of that Division, unless the Lieutenant-Governor in Council in any case otherwise directs, and in that event before such officer or functionary and in such manner as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 51, s. 23, *amended*.

Giving of judgment by Judge who resigns or is appointed to another Court.

**10.**—(1) Where a Judge resigns his office or is appointed to any other Court, he may at any time within eight weeks after his resignation or appointment give judgment in any cause, action or matter previously tried by or heard before him, as if he had not so resigned or been appointed.

When to take part in judgment.

(2) Where he has heard a cause, action or matter jointly with other Judges in a Divisional Court he may at any time within the period mentioned in subsection 1 take part in the giving of judgment by that Court as if he were still a member of it.

Judgment of remaining Judges or majority.

(3) Where he does not take part in the giving of judgment or where a Judge by whom a cause, action or matter has been heard in a Divisional Court is absent from illness or any other cause or dies, the remaining Judges of the Court, or, if there is a difference of opinion, a majority of them may give judgment as if the Judge who has so resigned or been appointed or is dead were still a member of the Court and taking part in the judgment, and in the case of absence as if the absent Judge were present and taking part in the judgment. 10 Edw. VII. c. 27.

Reading judgment of absent Judge.

(4) Where a Judge who has heard a cause, action or matter in a Divisional Court is not present when the judgment of the Court is delivered, his written judgment may be read by one of the other Judges and shall have the same effect as if he were present. R.S.O. 1897, c. 51, s. 18.

#### SEAL.

Seal.

**11.** There shall be a seal for the Supreme Court to be approved by the Lieutenant-Governor in Council. R.S.O. 1897, c. 51, s. 24, *part*.

#### JURISDICTION AND LAW.

Jurisdiction to be exercised by Appellate Division.

**12.**—(1) The Appellate Division shall exercise that part of the jurisdiction vested in the Supreme Court which, on the 31st day of December, 1912, was vested in the Court of Appeal and in the Divisional Courts of the High Court, and such jurisdiction shall be exercised by a Divisional Court of the Appellate Division, and in the name of the Supreme Court.

(2) Except as provided by the next preceding subsection, <sup>Jurisdiction to be exercised by High Court Division.</sup> all the jurisdiction vested in the Supreme Court shall be exercised by the High Court Division in the name of the Supreme Court. 9 Edw. VII. c. 28, s. 10 (1).

**13.**—(1) All jurisdiction, power and authority which <sup>Jurisdiction of Chief Justice and Justices of Appeal.</sup> on the 31st day of December, 1912, was vested in or exercisable by the Chief Justice of Ontario or by a Justice of Appeal, shall be vested in and may be exercised by a Judge of the Appellate Division, and shall be exercised in the name of the Supreme Court.

(2) All jurisdiction, power and authority which on the <sup>Jurisdiction of Judges of the High Court Division.</sup> 31st day of December, 1912, was vested in or exercisable by a Judge of the High Court shall be vested in and may be exercised by a Judge of the High Court Division, and shall be exercised in the name of the Supreme Court. 9 Edw. VII. c. 28, s. 10 (2).

**14.** Upon the request of the Judge or Judges for or with <sup>Provisions for absence or vacancy in office of a Judge.</sup> whom he is requested to sit or act, or upon the request of the Chief Justice of Ontario or of the President of the High Court Division, any Judge of the Supreme Court or any retired Judge of that Court, may sit and act as a Judge of either of the Divisions of the Supreme Court, or perform any other official or ministerial act for or on behalf of any Judge absent from illness or any other cause, or in the place of any Judge whose office has become vacant, or as an additional Judge of a Divisional Court; and while so sitting and acting, any such Judge or retired Judge shall have all the power and authority of a Judge of the Supreme Court. R.S.O. 1897, c. 51, s. 10, *amended*.

**15.**—(1) Subject to the Rules, the Courts and the Judges <sup>Sittings of Courts.</sup> thereof, or any Commissioner appointed under section 49, may sit and act, at any time and at any place, for the transaction of any part of the business of such Courts, or of such Judges or Commissioner or for the discharge of any duty which by any statute, or otherwise, is required to be discharged.

(2) Subject to subsection 1 the Divisional Courts shall sit <sup>Where Divisional Court Sittings to be held.</sup> at Toronto. R.S.O. 1897, c. 51, ss. 21, 62.

#### ADMINISTRATION OF JUSTICE.

**16.** In every civil cause or matter law and equity shall be <sup>Rules of law.</sup> administered according to the following rules:—

(a)

Equitable  
relief.

(a) Where a plaintiff claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any defendant in such cause or matter, or to any relief founded upon a legal right which before the passing of the *Ontario Judicature Act*, 1881, could only have been given by a Court of Equity, the Supreme Court. and every Judge shall give to such plaintiff such and the same relief as ought to have been given by the Court of Chancery in a suit or proceeding for the same or the like purposes properly instituted before the passing of that Act;

44 V. c. 5.

Declaratory  
judgments  
and orders.

(b) No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right, whether any consequential relief is or could be claimed or not;

Equitable  
defences.

(c) Where a defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff in such cause or matter, the Court and every Judge shall give to every equitable estate, right or ground of relief so claimed and to every ground of equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff, as the Court of Chancery ought to have given if the same or the like matters had been relied on by way of defence in a suit or proceeding instituted in that Court for the same or the like purpose before the passing of *The Ontario Judicature Act*, 1881;

44 V. c. 5.

Relief which  
may be  
granted to  
defendants.

(d) The Court and every Judge shall also have power to grant to any defendant in respect of any equitable estate or right or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff as such defendant shall have properly claimed by his pleading, and as the Court or any Judge might have granted in a suit instituted for that purpose by  
the

the same defendant against the same plaintiff; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to the Rules or to any order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such defendant;

- (e) The Court and every Judge shall recognize and take notice of all equitable estates, titles and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would have recognized and taken notice of the same in any suit or proceeding duly instituted therein before the passing of *The Ontario Judicature Act, 1881*; Courts to take notice of equitable rights and duties. 44 V. c. 5.

- (f) No cause or proceeding shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, prior to *The Ontario Judicature Act, 1881*, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto; but nothing in this Act shall disable the Court from directing a stay of proceedings in any cause or matter pending before it; and any person, whether a party or not to any such cause or matter, who would have been entitled, prior to *The Ontario Judicature Act, 1881*, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, may apply to the Court by motion in a summary way, for a stay of proceedings in such cause or matter either gener- Restraint of proceedings. 44 V. c. 5.

ally, or so far as may be necessary for the purposes of justice; and the Court shall thereupon make such order as shall be deemed just;

Giving effect  
to legal  
claims.

(g) Subject to the foregoing provisions for giving effect to equitable rights and other matters of equity and the other express provisions of this Act, the Court and every Judge shall recognize and give effect to all legal claims and demands, and all estates, rights, duties, obligations and liabilities existing by the common law or created by any statute, in the same manner as the same would have been recognized and given effect to prior to *The Ontario Judicature Act, 1881*, by any of the Courts then existing and whose jurisdiction is now vested in the Supreme Court;

44 V. c. 5.

Multiplicity  
of proceed-  
ings to be  
avoided.  
All matters  
in contro-  
versy to be  
determined  
in one pro-  
ceeding.

(h) The Court in the exercise of the jurisdiction vested in it by this Act in every cause or matter pending before it, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as it shall deem just, all such remedies as any of the parties may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them in such cause or matter so that, as far as possible, all matters so in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided. R.S.O. 1897, c. 51, s. 57, *part*.

Injunctions  
and re-  
ceivers.

17. A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the Court, in all cases in which it appears to the Court to be just or convenient that such order should be made; and any such order may be made either unconditionally, or upon such terms and conditions as the Court shall deem just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, whether the person against whom it is sought is or is not in possession under any claim of title or otherwise, or if out of possession does or does not claim a right to do the act sought to be restrained under a colour of title; and whether the estates claimed by both or by either of the parties are legal or equitable. R.S.O. 1897, c. 51, s. 58, par. 9.

**18.** Where the Court has jurisdiction to entertain an application for an injunction against a breach of a covenant, contract or agreement or against the commission or continuance of a wrongful act, or for the specific performance of a covenant, contract or agreement, the Court may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such manner as the Court may direct, or the Court may grant such other relief as may be deemed just. R.S.O. 1897, c. 51, s. 58, par. 10.

Court may award damages, etc.

**19.** The Court shall have power to relieve against all penalties and forfeitures, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as may be deemed just. R.S.O. 1897, c. 51, s. 57, par. 3.

Relief against penalties, etc.

**20.**—(1) The Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for Canada, or the Attorney-General of Ontario, for a declaration as to the validity of any statute, or any provision in any statute of this Legislature, though no further relief be prayed or sought, and the action shall be sufficiently constituted if such Attorney-General is a party thereto.

Jurisdiction as to validity of provincial statute.

(2) A judgment in the action shall be appealable like other judgments of the Court. R.S.O. 1897, c. 51, s. 57, par. 2.

Judgment appealable.

**21.** Where an action is brought in the Supreme Court for a cause of action for which a suit or action has been brought and is pending between the same parties or their representatives in any place or country out of Ontario, the Court or a Judge may make an order staying all proceedings in the Supreme Court until satisfactory proof is offered to the Court or a Judge that the suit or action so brought in such other place or country out of Ontario is determined or discontinued. R.S.O. 1897, c. 51, s. 57, par. 10.

Stay of proceedings if action for same cause is pending out of Ontario.

**22.** In questions relating to the custody and education of infants, and generally in all matters in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail. R.S.O. 1897, c. 51, s. 58, pars. 12-13.

Rules of equity to prevail.

**23.** The provisions of sections 16 to 22 shall be in force and have effect in all Courts so far as the matters to which they relate are cognizable by such Courts. R.S.O. 1897, c. 51, s. 59.

Sections 16 to 22 to apply to all Courts.



## APPEALS.

Certain orders not subject to appeal.

**24.** No order of the High Court Division or of a Judge thereof made with the consent of parties, shall be subject to appeal, and no order of the High Court Division or of a Judge thereof as to costs only which by law are left to the discretion of the Court shall be subject to appeal on the ground that the discretion was wrongly exercised, or that it was exercised under a misapprehension as to the facts or the law or on any other ground, except by leave of the Court or Judge making the order. R.S.O. 1897, c. 51, s. 72, *amended*.

Appeals from interlocutory orders.  
44 V., c. 5.

**25.**—(1) There shall be no appeal to a Divisional Court from an interlocutory order of the High Court Division, whether made in Court or Chambers, where before *The Ontario Judicature Act, 1881*, there would have been no relief from a like order by an application to a Superior Court.

Determining what are interlocutory.

(2) Any doubt which may arise as to what orders are interlocutory, shall be determined by the Divisional Court. R.S.O. 1897, c. 51, s. 73.

Appeals to Divisional Court.

**26.**—(1) Subject to sections 24 and 25 and to the Rules regulating the terms and conditions on which appeals may be brought, an appeal shall lie to a Divisional Court from:—

- (a) Any judgment, order or decision of a Judge of the High Court Division in Court, whether at the trial or otherwise;
- (b) Any judgment, order or decision of a Judge in Chambers in regard to a matter of practice or procedure which affects the ultimate rights of any party, and subject to the Rules from any other judgment, order or decision of a Judge in Chambers in regard to a matter of practice or procedure.

Additional jurisdiction under certain statutes.

(2) A Divisional Court shall also have jurisdiction as provided by,

- (a) *The Ontario Voters' Lists Act*;
- (b) *The Ontario Election Act*;
- (c) *The Ontario Controverted Elections Act*;
- (d) *The Registry Act*;
- (e) *The Ontario Companies Act*;

(f)

- (f) *The Assessment Act*;
- (g) *The Liquor License Act*;
- (h) *The Ontario Summary Convictions Act*;
- (i) *The Ontario Habeas Corpus Act*;
- (j) *The Mechanics' and Wage Earners' Lien Act*;
- (k) *The Criminal Code*;
- (l) *The Winding-up Act*; of Canada.
- (m) *The Municipal Drainage Act*;
- (n) *The Succession Duty Act*;
- (o) *The Surrogate Courts Act*;
- (p) *The County Courts Act*;
- (q) *The Division Courts Act*;
- (r) *The Water Privileges Act*;
- (s) *The Rivers and Streams Act*; and
- (t) Any other Act of the Parliament of Canada or of this Legislature.

(3) A Divisional Court shall also have jurisdiction to hear New trials. and determine applications for new trials and applications to set aside verdicts and findings of juries in actions and matters tried or heard in the High Court Division.

(4) Nothing in this section shall limit the generality of the provisions of subsection 1 of section 12. 4 Edw. VII. of subsec. 1 of sect. 12 not affected.

**27.**—(1) The Court upon an appeal may give any judgment which ought to have been pronounced and may make such further or other order as may be deemed just. Court may pronounce proper judgment.

(2) The Court shall have power to draw inferences of fact not inconsistent with any finding of the jury which is not set aside, and if satisfied that there are before the Court all the materials necessary for finally determining the matters in controversy, or any of them, or for awarding any relief sought, the Court may give judgment accordingly, but if the Power to draw inferences of fact and to give judgment if all necessary materials before the Court.

Or to direct further inquiry.

Court is of opinion that there are not sufficient materials before it to enable it to give judgment the Court may direct the appeal to stand over for further consideration and may direct that such issues or questions of fact be tried and determined and such accounts be taken and such inquiries be made as may be deemed necessary to enable the Court on such further consideration finally to dispose of the matters in controversy.

Where appeal is against part only.

(3) The powers conferred by subsections 1 and 2 may be exercised notwithstanding that the appeal is as to part only of the judgment, order or decision, and may be exercised in favour of all or any of the parties, although they may not have appealed. Con. Rule 817.

New trial not to be granted in certain cases.

**28.**—(1) A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence, or because the verdict of the jury was not taken upon a question which the Judge at the trial was not asked to leave to the jury unless some substantial wrong or miscarriage has been thereby occasioned.

Judgment as to one part and new trial as to others.

(2) If it appears that a substantial wrong or miscarriage was so occasioned but it affected part only of the matter in controversy or some or one only of the parties, the Court may give final judgment as to any part or any party not so affected, and direct a new trial as to the other part only, or only as to the other parties. Con. Rule 785.

New trial may be ordered on any question.

**29.** A new trial may be ordered upon any question without interfering with the decision upon any other question. Con. Rule 786.

Disagreement of jury.

**30.** Where the jury disagrees or makes no finding on which judgment can be entered, the Court may, on the application of the defendant, dismiss the action on the ground that there is no evidence to warrant a judgment for the plaintiff, or that for any other reason he is not entitled to judgment. Con. Rule 780, *amended*.

Power of Judge of Appellate Division.

**31.** In any cause or matter pending before a Divisional Court any direction incidental to it not involving the decision of the appeal, may be given by a Judge of the Appellate Division; and a Judge of that Division may during vacation make any interim order to prevent prejudice to the claim of any of the parties pending an appeal, as he may think fit; but every such order made by a Judge shall be subject to appeal to a Divisional Court. R.S.O. 1897, c. 51, s. 54, *amended*.

## EFFECT OF JUDICIAL DECISIONS.

**32.**—(1) The decision of a Divisional Court on a question of law or practice unless overruled or otherwise impugned by a higher Court shall be binding on all Divisional Courts and on all other Courts and Judges and shall not be departed from in subsequent cases without the concurrence of the Judges who gave the decision.

Decisions of  
Divisional  
Court to  
be binding.

(2) It shall not be competent for any Judge of the High Court Division in any case before him to disregard or depart from a prior known decision of any other Judge of co-ordinate authority on any question of law or practice without his concurrence.

Judge to  
follow  
known  
prior  
decision of  
Judge of  
co-ordinate  
authority.

(3) If a Judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher Court, he may refer the case before him to a Divisional Court.

If decision  
deemed  
wrong,  
reference  
may be  
made to a  
Divisional  
Court.

(4) Where a case is so referred, it shall be set down for hearing, and notice of hearing shall be given in like manner as in the case of an appeal to a Divisional Court.  
2 Geo. V. c. 17, s. 10 (1).

Procedure  
thereon.

## CONSTITUTIONAL QUESTIONS.

**33.**—(1) Where in any action or other proceeding, the constitutional validity of any Act or enactment of the Parliament of Canada or of this Legislature is brought in question, the same shall not be adjudged to be invalid until after notice has been given to the Attorney-General for Canada, and the Attorney-General of Ontario.

Notice to be  
given to  
Attorneys-  
General of  
Canada and  
of Ontario  
before Act  
declared  
invalid.

(2) The notice shall state what Act or part of an Act is in question, and the day on which the question is to be argued, and shall give such other particulars as are necessary to show the constitutional point proposed to be argued.

Form of  
notice.

(3) Subject to the Rules, the notice shall be served six days before the day named for the argument.

Six days'  
notice  
necessary.

(4) The Attorney-General for Canada and the Attorney-General of Ontario shall be entitled, as of right, to be heard, either in person or by counsel, notwithstanding that the Crown is not a party to the action or proceeding. R.S.O. 1897, c. 51, s. 60.

Right of  
Attorneys-  
General to  
be heard.

## INTEREST.

Interest may be allowed as heretofore.

**34.** Interest shall be payable in all cases in which it is now payable by law, or in which it has been usual for a jury to allow it. R.S.O. 1897, c. 51, s. 113.

When allowable on debts certain and overdue.

**35.**—(1) On the trial of any issue, or on any assessment of damages, upon any debt or sum certain, payable by virtue of a written instrument at a time certain, interest may be allowed from the time when the debt or sum became payable.

When allowable after demand of payment.

(2) If such debt or sum is payable otherwise than by virtue of a written instrument at a time certain, interest may be allowed from the time when a demand of payment was made in writing, informing the debtor that interest would be claimed from the date of the demand. R.S.O. 1897, c. 51, s. 114.

Interest by way of damages in certain actions.

(3) In actions for the conversion of goods or for trespass *de bonis asportatis*, the jury may give interest in the nature of damages over and above the value of the goods at the time of the conversion or seizure, and in actions on policies of insurance may give interest over and above the money recoverable thereon. R.S.O. 1897, c. 51, s. 115.

Interest on judgments.

(4) Unless otherwise ordered by the Court, a verdict or judgment shall bear interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, notwithstanding that the entry of judgment shall have been suspended by any proceeding in the action including an appeal. R.S.O. 1897, c. 51, s. 116, *amended*.

## CERTIFICATE OF LIS PENDENS.

Action, etc., not notice unless caution or certificate registered.

1 Geo. V. c. 28.

**36.**—(1) The institution of an action or the taking of a proceeding, in which any title to or interest in land is brought in question, shall not be deemed notice of the action or proceeding to any person not a party to it, until, where the land is registered under *The Land Titles Act* a caution is registered under that Act, nor in other cases until a certificate, signed by the proper officer of the Court has been registered in the Registry Office of the Registry Division in which the land is situate.

Form.

(2) The certificate may be in the following form:—

"I certify that in an action or proceeding in the Supreme Court of Ontario, between A. B., of                      and C. D., of                      some title or interest is called in question in the following land (*describing it.*)"

Dated at (*stating date and place.*)

(3) Subsection 1 shall not apply to an action or proceeding for foreclosure or sale upon a registered mortgage. Exception.  
R.S.O. 1897, c. 51, s. 97.

**37.**—(1) Where a caution or certificate is registered, and the plaintiff, or other party at whose instance it was issued, does not in good faith prosecute the action or proceeding, a Judge of the High Court Division may at any time make an order vacating the caution or certificate. Order vacating caution or certificate on failure to prosecute action.

(2) Where a caution or certificate is registered, and the plaintiff's claim is not solely to recover land, or an estate or interest in land, but to recover money or money's worth, chargeable on or payable out of land, or some estate or interest in it, or for the payment of which he claims that the land or such estate or interest ought to be subjected, or where the plaintiff claims land or some estate or interest in land, and, in the alternative, damages or compensation in money or money's worth, a Judge of the High Court Division may at any time make an order vacating the caution or certificate upon such terms as to giving security or otherwise as may be deemed just. Where land, etc., not claimed.

(3) A Judge of the High Court Division may at any time vacate the registration upon any other ground which may be deemed just. Upon other grounds.

(4) On an application under this section, the Judge may order any of the parties to the application to pay the costs of any of the other parties to it, or may make any other order with respect to costs, which under all the circumstances may be deemed just. Costs. R.S.O. 1897, c. 51, s. 98.

(5) The order vacating a caution or certificate shall be subject to appeal according to the practice in like cases, and may be registered in the same manner as a judgment affecting land on or after the fourteenth day from the date of the order, unless the order is meanwhile reversed or its registration is postponed or forbidden by an order of a Judge of the High Court Division. Appeal from order. Registration of order. R.S.O. 1897, c. 51, s. 99.

(6) Where a caution or certificate is vacated, any person may deal in respect to the land as fully as if the caution or certificate had not been registered, and it shall not be incumbent on any purchaser or mortgagee to enquire as to the allegations in the action or proceeding, and his rights shall not be affected by his being aware of such allegations. Effect of vacating caution or certificate. R.S.O. 1897, c. 51, s. 100. *Amended.*

## SITTINGS AND DISTRIBUTION OF BUSINESS.

Divisional  
Courts of  
Appellate  
Division.

**38.**—(1) There shall be as many Divisional Courts of the Appellate Division as are necessary for the proper despatch of the business of the Division.

To be two  
Divisional  
Courts.

(2) There shall at all times be at least two of such Divisional Courts.

How  
constituted.

(3) A Divisional Court shall consist of five Judges.

To be  
numbered.

(4) The Divisional Courts shall be numbered consecutively. 9 Edw. VII. c. 28, s. 12.

First  
Divisional  
Court.

**39.**—(1) The first Divisional Court shall consist of the Chief Justice of Ontario and the four Justices of Appeal. 9 Edw. VII. c. 28, s. 13 (1).

Annual  
selection of  
judges for  
Second  
Divisional  
Court.

(2) The Judges of the Supreme Court shall at a meeting to be held in the month of December in each year and not later than the second Monday in the month, select from among the Judges of the High Court Division, the Judges to constitute the second Divisional Court for the next ensuing calendar year, and when such selection has been made, the Judges so selected shall be the Judges to constitute that Divisional Court for that year.

Additional  
Divisional  
Courts.

(3) Whenever the volume of business in the Appellate Division requires that an additional Divisional Court or additional Divisional Courts be constituted, the Judges of the Supreme Court shall select the Judges to constitute such Court or Courts.

Permanent  
and tem-  
porary  
Divisional  
Courts.

(4) The first and second Divisional Courts shall be permanent Divisional Courts, and those constituted under the provisions of subsection 3 shall be temporary Divisional Courts.

Failure of  
Judges to  
make  
selection.

(5) In the event of the Judges of the Supreme Court failing at the prescribed time to select the Judges who are to constitute the Divisional Courts or any of them, the selection may be made at a later date.

Judges of  
one  
Divisional  
Court may  
sit in  
another.

(6) Whenever occasion requires, a Judge of any Divisional Court may sit in the place of a Judge of any other Divisional Court.

Ad hoc  
judges of  
Divisional  
Courts.

(7) Whenever occasion requires, a Judge who is not a member of a Divisional Court may sit in the place of a Judge of any Divisional Court.



(8) Subsections 6 and 7 shall apply where a vacancy occurs in a Divisional Court by the death or resignation of a Judge or otherwise, until, in the case of the first Divisional Court, his successor is appointed, and in the case of any other Divisional Court until his successor is selected, as provided by subsection 9.

Application of subsecs. 6, 7, in case of vacancy.

(9) Where a vacancy occurs in a Divisional Court, except the first, by the death or resignation of a Judge or otherwise, the Judges of the Supreme Court at a meeting called for that purpose shall select a Judge to fill the vacancy for the remainder of the year for which the Judge whose place he is selected to fill, was selected.

Filling vacancy in Divisional Courts other than the first.

(10) A Judge who sits in the place of a Judge of a Divisional Court shall be conclusively deemed to have been entitled and qualified to so sit, within the meaning of the next preceding four subsections.

Right of Judge who sits in place of another not to be questioned.

(11) A Judge who has sat in a Divisional Court on the hearing of any appeal, matter or proceeding therein may give judgment notwithstanding that he has ceased to be a Judge of that Court.

Judge may give judgment after ceasing to be Judge of Divisional Court.

(12) A Judge shall not sit on the hearing of an appeal from a judgment or order made by himself. 9 Edw. VII. c. 28, s. 14.

Judge not to hear appeal from his own judgment.

40. Neither the Chief Justice of Ontario nor any of the Justices of Appeal shall without his consent be assigned to, or required to perform any duty, except such as appertains to him as a member of the Appellate Division. 9 Edw. VII. c. 28, s. 15.

Chief Justice of Ontario and Justices of Appeal not to be assigned to other work without consent.

41.—(1) Appeals to a Divisional Court may be heard and disposed of by a Court of four Judges.

Four judges may hear appeals.

(2) Subsection 1 shall not apply to appeals under *The Ontario Controverted Elections Act* or to cases and matters which come before the Court under the provisions of the Criminal Code, all of which shall be heard and disposed of by a full Court of five Judges. 9 Edw. VII. c. 28, s. 16.

Exception as to Election trials and Criminal matters. 8 Edw. VII. c. 4.

42.—(1) There shall be at least monthly sittings of a Divisional Court, except during vacations, and, subject to subsection 2 and to the Rules and to any other arrangement between the Judges constituting the Divisional Courts, such Courts shall sit in alternate weeks, but nothing in this section shall prevent a sittings from being held during the long vacation. 9 Edw. VII. c. 28, s. 17, amended.

Monthly sittings of Divisional Courts.

Sittings  
may be held  
concur-  
rently.

(2) The Divisional Courts may sit concurrently and shall do so whenever necessary for the proper despatch of business. *New.*

Presiding  
Judge in  
absence of  
Chief  
Justice.

(3) In the absence of the Chief Justice of Ontario, or if he is not a member of the Court, the Judge entitled to precedence over the other Judges present shall preside. R.S.O. 1897, c. 51, s. 20.

#### BUSINESS IN HIGH COURT DIVISION TO BE DISPOSED OF BY A JUDGE.

Business to  
be disposed  
of by one  
Judge

**43.**—(1) Every action and proceeding in the High Court Division, and all business arising out of it, except as herein otherwise expressly provided, shall be heard, determined and disposed of before a Judge, and where he sits in Court he shall constitute the Court.

Judge not  
to reserve  
questions.

(2) Subject to section 32, a Judge of the High Court Division shall decide all questions coming properly before him, and shall not reserve any case, or any point in a case, for the consideration of a Divisional Court. R.S.O. 1897, c. 51, s. 65.

Arrange-  
ments  
for hold-  
ing Courts  
etc.

(3) All such arrangements as may be necessary or proper for the holding of any of the Courts, or the transaction of business in the High Court Division or the assignment from time to time of Judges to hold such Courts, or to transact such business, shall be made by the Judges of that Division. R.S.O. 1897, c. 51, s. 71.

#### SITTINGS FOR TRIALS.

Sittings for  
trials.

**44.**—(1) There shall be as many sittings of the High Court Division in and for every county as are required for the trial of civil causes, matters and issues and for the trial of criminal matters and proceedings.

Separate  
sittings  
may be held.

(2) Separate sittings may be held for the trial of civil causes, matters and issues which are to be tried without a jury and separate sittings for those which are to be tried with a jury, and separate sittings may also be held for the trial of criminal matters and proceedings.

Sittings  
may be held  
concur-  
rently.

(3) Sittings may be held concurrently or separately as may be directed by the Judges appointing the days therefor or by the Judges presiding at such sittings.

Jury cases  
to be first  
tried.

(4) Subject to the Rules, where a sittings is held for the trial of civil causes, matters and issues which are to be tried  
with

with and for those which are to be tried without a jury, separate lists shall be made and the jury cases shall be first disposed of unless the presiding Judge otherwise directs.

(5) The sittings shall be held in the court house of the county town or at such other place in the county town as the presiding Judge directs. Sittings to be held in county town.

(6) Subject to the Rules, at least two sittings shall be held in each year in and for every county, and at least one additional sittings in and for the County of York, the County of Carleton, the County of Wentworth, the County of Middlesex, and the United Counties of Dundas, Stormont and Glengarry. R.S.O. 1897, c. 51, ss. 82 to 86, *amended*. Two sittings yearly in each county. Additional sittings in certain counties.

**45.**—(1) Every such sittings shall be presided over by one of the Judges of the Supreme Court, or, on the request in writing of a Judge of the Supreme Court, by a retired Judge of that Court, or by a Judge of a County Court, or by one of His Majesty's Counsel learned in the law appointed for Upper Canada, or for Ontario. Who may preside.

(2) Such Judge or Counsel while holding the sittings shall possess and enjoy and may exercise all the powers and authorities of a Judge of the High Court Division, and in civil proceedings may reserve the giving of his decision on questions raised at the trial and afterwards give the same, and such decision shall have the like force and effect as the decision of a Judge of the High Court Division. R.S.O. 1897, c. 51, s. 87. Powers of presiding Judge.

**46.** Where the Judge whose duty it is to hold any sittings does not arrive in time, or is not able to open Court on the day appointed for that purpose, the sheriff, or, in his absence, his deputy, may, after six o'clock in the afternoon of that day, by proclamation, adjourn the sittings to an hour on the following day to be named by him, and so from day to day until the Judge arrives or until other directions from the Judge are received. R.S.O. 1897, c. 51, s. 88. Course to be pursued by the Sheriff if the Judge does not arrive on the day appointed for opening Court.

**47.**—(1) No such sittings shall begin on the first day earlier than one o'clock in the afternoon or on any other day before nine o'clock in the forenoon, nor, except for special reasons, shall it extend beyond seven o'clock in the afternoon, and there shall be an intermission of at least half an hour at or near noon. When sittings to commence. Hours for sittings.

(2) Failure to observe any of the provisions of subsection 1 shall not render the trial or other proceeding void. R.S.O. 1897, c. 51, s. 89. Non-observance of hours not to affect proceeding.

Entering  
non-jury  
actions for  
trial.

**48.** Non-jury actions to be tried in any county except the County of York, may be entered for trial at any sittings of the High Court Division in such county. R.S.O. 1897, c. 51, s. 90.

Commis-  
sions of  
assize and  
other com-  
missions.

**49.**—(1) Commissions of assize or any other commissions, either general or special, may be issued, by the Lieutenant-Governor in Council, assigning to the person therein named, the duty of trying and determining within any place or district named for that purpose by the commission, any cause or matter, or any question or issue of fact or of law or partly of fact and partly of law, in any cause or matter, depending in the Supreme Court; or for the exercise of any civil or criminal jurisdiction capable of being exercised by the Court.

Commis-  
sioner to be  
a Court.

(2) A commissioner, when exercising any jurisdiction so assigned to him shall be deemed to constitute the Court. R.S.O. 1897, c. 51, s. 64.

#### ACTIONS ON QUEBEC JUDGMENTS.

Action on  
Quebec  
judgment  
where ser-  
vice per-  
sonal.

**50.** Where an action is brought on a judgment obtained in the Province of Quebec in an action in which the service on the defendant or party sued was personal, no defence which might have been set up to the original action may be made to the action on the judgment. R.S.O. 1897, c. 51, s. 117.

Action on  
Quebec  
judgment  
where ser-  
vice not  
personal.

**51.** Where an action is brought on a judgment obtained in the Province of Quebec in an action in which the service was not personal and in which no defence was made, any defence which might have been set up to the original action may be made to the action on the judgment. R.S.O. 1897, c. 51, s. 118.

Costs.

**52.**—(1) Where an action is brought on a judgment obtained in the Province of Quebec the costs incurred in obtaining the judgment in that Province shall not be recoverable without the order of a Judge directing their allowance.

Conditions  
under which  
order may  
be made.

(2) Such order shall not be made, unless, in the opinion of the Judge, the costs were properly incurred nor if it would have been a saving of expense and costs to have first instituted proceedings in Ontario on the original claim. 3 Edw. VII. c. 8, s. 11.

## TRIAL, AND PLACE OF TRIAL.

**53.** Actions of libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment shall be tried by a jury unless the parties in person or by their solicitors or counsel waive such trial. Certain actions to be tried by a jury.  
R.S.O. 1897, c. 51, s. 102, *amended*.

**54.** Actions against a municipal corporation or board of police trustees for damages in respect of injuries sustained by reason of the default of the corporation in keeping in repair a highway or bridge, shall be tried by a Judge without the intervention of a jury, and the trial shall take place in the county which constitutes the municipality or in which the municipality or police village is situate. Certain actions against municipalities, etc., to be tried without a jury and venue to be local. R.S.O. 1897, c. 51, s. 104, *amended*; 5 Edw. VII. c. 22, s. 46.

**55.**—(1) Subject to the Rules, except where otherwise expressly provided by this Act all issues of fact shall be tried and all damages shall be assessed by the Judge without the intervention of a jury. Issues of fact with certain exceptions to be tried without jury.

(2) The Judge may nevertheless direct that the issues or any of them be tried and the damages assessed by a jury. Judge may direct trial by jury. R.S.O. 1897, c. 51, s. 105.

**56.**—(1) Subject to the Rules, if a party desires that the issues of fact shall be tried or the damages assessed by a jury he may, at any stage of the proceedings, but not later than the fourth day after the close of the pleadings or if notice of trial or assessment is served before that time, within two days after service of such notice or within such other time as may be allowed by a Judge, file and serve on the opposite party a notice in writing requiring that the issues be tried or the damages assessed by a jury, and if such notice is given, subject to subsection 3, they shall be tried or assessed accordingly. Where jury required notice to be given.

(2) A copy of the notice shall be attached to the certified copy of the pleadings prepared for use at the trial. Copy of notice to be annexed to record.

(3) Notwithstanding the giving of the notice the issues of fact may be tried or the damages assessed without the intervention of a jury if the Judge presiding at the sittings so directs or if it is so ordered by a Judge. Jury may be dispensed with.

(4) Subsection 1 shall not apply to causes, matters or issues over the subject of which before *The Administration of Justice Act, 1873*, the Court of Chancery had exclusive jurisdiction. R.S.O. 1897, c. 51, ss. 103, 106, 107, 110. Subsection 1 not to apply to certain causes, etc.  
*amended.*

Effect of agreement, etc., as to place of trial.

**57.**—(1) Subject to subsection 2, no proviso, condition, stipulation, agreement or statement which provides for the place of trial of any action, matter or other proceeding shall be of any force or effect.

Motion by defendants to change venue.

(2) Subsection 1 shall not apply or be available unless and until the defendant moves to change the place of trial. 6 Edw. VII. c. 19, s. 22, *part*.

#### JURY TRIALS.

Agreement of ten jurors in verdict or answers to be sufficient.

**58.**—(1) It shall be sufficient if ten of the jurors agree, and a verdict rendered or question answered by ten jurors shall have the same effect as a verdict or answer given by twelve jurors.

Special juries.

(2) This section shall apply to special juries. R.S.O. 1897, c. 51, s. 108.

Not necessary for same ten jurors to agree to all answers.

(3) Where more questions than one are submitted, it shall not be necessary that the same ten jurors shall agree to every answer. *New*.

Death or illness of juror or discovery of interest during trial.

**59.** If at the trial of an action or issue or assessment of damages, a juror dies or becomes incapacitated from any cause from continuing to sit or act on the jury, or if it is discovered that a juror has an interest in the result of the proceeding, or is a relative within the degree of first cousin of any of the parties the Judge may discharge such juror, and may direct that the trial or assessment shall proceed on such terms as he deems just with eleven jurors, and in such case ten jurors may give the verdict or answer the questions submitted to the jury. R.S.O. 1897, c. 51, s. 109.

General or special verdict may be given unless Judge otherwise directs.

**60.**—(1) In the absence of a direction to the contrary of the Judge, a jury may give a general or special verdict, but shall give a special verdict if he so directs and shall not give a general verdict if directed by him not to do so.

Not to apply to actions of libel.

(2) This section shall not apply to actions of libel.

Except in actions of libel, the jury may be directed to answer questions.

**61.**—(1) Upon a trial by jury, except in an action for libel, the Judge, instead of directing the jury to give either a general or a special verdict, may direct the jury to answer any questions of fact stated to them by him; and the jury shall answer such questions, and shall not give any verdict.

Judgment may be entered on answers.

(2) Judgment may be directed to be entered on the answers to such questions. R.S.O. 1897, c. 51, ss. 111, 112, *parts, amended*.

## ACTIONS FOR MALICIOUS PROSECUTION.

**62.** In actions for malicious prosecution, the Judge shall decide all questions both of law and fact necessary for determining whether or not there was reasonable and probable cause for the prosecution. *New.*

Question of reasonable and probable cause to be decided by Judge.

## QUASHING CONVICTIONS, ETC.

**63.**—(1) Where it is desired to move to quash a conviction, order, warrant or inquisition, the proceeding shall be by motion in the first instance instead of by *certiorari*, rule or order *nisi*.

Procedure substituted for *certiorari*, etc.

(2) Notice of the motion shall be served at least six days before the return day thereof upon the Magistrate making the conviction or order, or issuing the warrant, or the Coroner making the inquisition, and also upon the prosecutor or informant, if any, and upon the Clerk of the Peace if the proceedings have been returned to his office, and the notice shall specify the objections intended to be raised.

Service of notice of motion.

(3) Upon the notice of motion shall be endorsed a copy of subsection 4 and a notice in the following form, addressed to the Magistrate, Coroner or Clerk of the Peace, as the case may be:

Endorsement on notice of motion.

"You are hereby required forthwith after service hereof to return to the Central Office at Osgoode Hall, Toronto, the conviction (or as the case may be) herein referred to, together with the information and evidence, if any, and all things touching the matter, as fully and entirely as they remain in your custody, together with this notice.

Form.

"Dated

"To A. B.,

"Magistrate (or as the case may be).

"C. D.,

"Solicitor for the Applicant."

(4) Upon receiving the notice so endorsed, the Magistrate, Coroner or Clerk of the Peace shall forthwith return to the Central Office, the conviction, order, warrant or inquisition, and the information and evidence, if any, and all things touching the matter, and the notice served upon him with a certificate endorsed upon it in the following form:

Return by Magistrate, etc.

Pursuant to the within notice I herewith return to this Honourable Court the following papers and documents:—

- "1. The conviction (or as the case may be);
- "2. The information and the warrant issued thereon;
- "3. The evidence taken at the hearing;
- "4. (Any other papers or documents touching the matter).

"And



"And I hereby certify to this Honourable Court that I have above truly set forth all the papers and documents in my custody or power relating to the matter set forth in this notice of motion."

Effect of  
certificate.

(5) The certificate shall have the same effect as a return to a writ of *certiorari* or to an order under the Rules.

Notice re-  
turnable  
before  
Judge in  
Chambers.

(6) The notice shall be returnable before a Judge of the High Court Division sitting in Chambers.

Limitation  
of time for  
proceedings.

(7) The motion shall not be entertained:—

(a) unless the return day thereof is within six months after the conviction, order, warrant or inquisition; and

Security  
to be given.

(b) the applicant is shown to have entered into a recognizance with one or more sufficient sureties in the sum of \$100 before a Magistrate of the county within which the conviction, order or inquisition was made or the warrant was issued, or before a Judge of the County Court of that county or before a Judge of the High Court Division, conditioned that the applicant will prosecute the application at his own costs and charges without any wilful or affected delay and that he will pay to the person in whose favour the conviction, order or other proceeding is affirmed his full costs and charges to be taxed according to the course of the Court in case the conviction, order or other proceeding is affirmed, or

has paid into Court the like sum as security that he will do so.

Recogniz-  
ance to be  
filed.

(8) The recognizance, with an affidavit of its due execution shall be filed with the Clerk in Chambers.

Powers of  
Judge.  
Appeal.

(9) The Judge shall have all the powers of the Court in the like matters and may order the production of papers and documents as he may deem necessary.

No appeal  
without  
leave.

(10) No appeal from the order of the Judge shall lie unless leave is granted by a Judge of the High Court Division. 8 Edw. VII. c. 34, s. 1.

#### REFERENCES TO OFFICIAL AND SPECIAL REFEREES.

Reference  
for inquiry  
and report

64.—(1) Subject to the Rules and to any right to have particular cases tried by a jury, a Judge of the High Court Division

Division may refer any question arising in an action for inquiry and report either to an official referee or to a special referee agreed upon by the parties.

(2) Subsection 1 shall not, unless with the consent of His Majesty authorize the reference to an Official Referee of an action to which His Majesty is a party or of any question or issue therein. 9 Edw. VII. c. 27, s. 3, *part*.

**65.** In an action,

Power to  
refer in  
certain  
cases.

(a) If all the parties interested who are not under disability consent, and where there are parties under disability the Judge is of opinion that the reference should be made and the other parties interested consent; or,

(b) Where a prolonged examination of documents or a scientific or local investigation is required which cannot in the opinion of the Court or a Judge conveniently be made before a jury or conducted by the Court directly; or,

(c) Where the question in dispute consists wholly or partly of matters of account,

a Judge of the High Court Division may at any time refer the whole action or any question or issue of fact arising therein or question of account either to an official referee or to a special referee agreed upon by the parties. 9 Edw. VII. c. 27, s. 3, *part, amended*.

**66.**—(1) In the case of a reference to a special referee he shall be deemed to be an officer of the Court.

Special  
referee to  
be an  
officer of  
the Court.

(2) The remuneration to be paid to a special referee may be determined by a Judge of the High Court Division.

Remunera-  
tion of  
special  
referee.

(3) The remuneration, fees, charges and disbursements payable to an official referee, and, in the absence of any special direction, to a special referee shall be the same as are payable to a Local Master.

Scale of  
remunera-  
tion of  
referee.

(4) Where the Judge at the trial instead of trying an action refers the whole action under the provisions of section 65 to an official referee who is a Local Registrar or Deputy Registrar, a Deputy Clerk of the Crown and Pleas, a Local Master or other officer of the Court, paid wholly or partly by salary, no fees, either in law stamps or otherwise,

No fees  
when whole  
action is  
referred to  
officer of  
Court.

shall

shall be charged by the referee. 9 Edw. VII. c. 27, s. 3, *part*.

Referee  
to make  
report.

**67.** The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report of a Master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to a Divisional Court. 9 Edw. VII. c. 27, s. 3, *part*.

Transmis-  
sion of  
evidence  
and exhibits.

**68.** The evidence of witnesses examined upon the reference, and the exhibits shall forthwith, after the making of the report, be transmitted by the referee to the proper officer of the Court. 9 Edw. VII. c. 27, s. 3, *part*.

#### SURETY COMPANIES.

"Surety  
Company,"

**69.**—(1) In this section "Surety Company" shall mean an incorporated company empowered to give bonds by way of indemnity.

Bonds of  
company  
may be  
taken as  
security.

(2) The Lieutenant-Governor in Council may direct that the bond of any surety company named in the order in council may be given as security in all cases where security is ordered to be given by any Court or by any Judge or officer of any Court, and in all cases where security for the costs of an appeal, or for the prosecution of the appeal, is required by any law, rule or practice.

Order in  
council ap-  
proving of  
company to  
be published  
in Gazette.

(3) Every order in council made under subsection 2 shall forthwith be published in the *Ontario Gazette* and shall be laid before the Assembly within 15 days after the making thereof if the Assembly is then in session, and if it is not in session within 15 days after the opening of the next session.

Other surety  
or affidavit  
of justifica-  
tion not re-  
quired.

(4) The bond of any surety company named in the order in council shall be sufficient without any other surety joining in the bond, and an affidavit of justification shall not be necessary.

Disallow-  
ance of  
bond on  
motion.

(5) Notwithstanding anything in this section, any Judge, or any officer having jurisdiction in the matter, may in his discretion disallow any such bond on a motion to disallow it, and upon any evidence which may be deemed sufficient. 62 V. (2), c. 12, *amended*.

#### PHYSICAL EXAMINATION OF PARTIES.

Physical  
examination  
of party  
by medical  
practitioner.

**70.**—(1) In any action or proceeding for the recovery of damages or other compensation for or in respect of bodily injury sustained by any person, the Court which, or the

Judge

Judge, or the person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury damages or compensation are sought shall submit himself to a physical examination by a duly qualified medical practitioner who is not a witness on either side and may make such order respecting the examination and the costs of it as may be deemed proper.

(2) The medical practitioner shall be selected by the Court, Judge, or person making the order, and may afterwards be a witness on the trial unless the Court, Judge or person before whom the action or proceeding is tried otherwise directs. 10 Edw. VII. c. 26, s. 7, *amended*. Medical practitioner to be selected by Judge and may be a witness.

#### TENDER OF AMENDS IN CASE OF TORTS.

**71.** A person who has committed a wrong giving a cause of action for the recovery of damages to the person wronged may at any time before action tender amends and the tender shall have the same effect as a tender in an action for the recovery of a debt. 1 Geo. V. c. 17, s. 33 (5). Tender of amends in case of torts.

#### VESTING ORDERS.

**72.** Where the Court has authority to order the execution of a deed, conveyance, transfer or assignment of any property, real or personal, the Court may by order vest such real or personal estate in such person, and in such manner, and for such estates, as would be done by any such deed, conveyance, assignment or transfer if executed; and the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in case of a chose in action, as if it had been actually assigned to such last mentioned person. R.S.O. 1897, c. 51, s. 36. Vesting order, effect of.

#### JUDGMENTS FOR ALIMONY.

**73.—**(1) An order or judgment for alimony may be registered in any Registry Office in Ontario, and the registration shall, so long as the order or judgment remains in force, bind the estate and interest which the defendant has in any land in the Registry Division in which the registration is made, and operate thereon in the same manner and with the same effect as the registration of a charge by the defendant of a life annuity on his land. R.S.O. 1897, c. 51, s. 35. Judgment for alimony may be registered.

Registration  
of order.

1 Geo. V.  
c. 28.

(2) The order or judgment may also, on the application of the plaintiff, be registered as a charge against any lands of the defendant registered under the *Land Titles Act, New*.

#### COSTS.

Costs.

**74.**—(1) Subject to the express provisions of any statute, the costs of and incidental to all proceedings shall be in the discretion of the Court or Judge, and the Court or Judge shall have full power to determine by whom and to what extent the costs shall be paid.

Right of  
trustee or  
mortgagee  
preserved.

(2) Nothing herein shall deprive a trustee, mortgagee or other person of any right to costs out of a particular estate or fund.

When costs  
to follow  
the event.

(3) Where an action or issue is tried by a jury, the costs shall follow the event, unless the Judge before whom the action or issue is tried in his discretion otherwise orders.

In proceed-  
ings before  
judicial  
officers.

(4) Costs of proceedings before judicial officers, unless otherwise disposed of, shall be in their discretion subject to appeal. R.S.O. 1897, c. 51, s. 119; Con. Rule 1130.

#### PRACTICE AND PROCEDURE.

Practice and  
procedure.

8 Edw. VII.  
c. 4.

**75.**—(1) Subject as to appeals under *The Ontario Controverted Elections Act* to the provisions of that Act, and as to appeals and applications for a new trial to the Court under *The Criminal Code* to the provisions of that Act, and subject also to the Rules, the practice and procedure upon and as to appeals to a Divisional Court shall be that which on the 31st day of December, 1912, was applicable to appeals to a Divisional Court of the High Court.

Rights of  
appeal  
preserved.

(2) Nothing in subsection 1 shall take away or affect any right of appeal to the Court of Appeal from a judgment, order or decision pronounced, made or given by a Divisional Court of the High Court which on the 31st day of December, 1912, any party had or was entitled to, whether by or without leave, but the appeal shall be to a Divisional Court of the Appellate Division. 9 Edw. VII. c. 28, s. 18.

Judgment  
in matters  
heard before  
31st Decem-  
ber, 1912.

(3) In all matters and proceedings which on the 31st day of December, 1912, had been fully heard by a Divisional Court of the High Court, and in which judgment had not been given, or having been given had not been signed, drawn up, passed, entered or otherwise perfected, judgment may be given, signed, drawn up, passed, entered or otherwise

perfected

perfected in the name of the same Court, and by the same Judges and officers, and generally in the same manner as if such Court had not been abolished, and for those purposes the Court shall be deemed to continue to exist.

(4) All matters and proceedings in a Divisional Court of the High Court pending on the 31st day of December, 1912, to which subsection 3 does not apply shall be deemed to be matters and proceedings in the Appellate Division and shall be dealt with in the manner, and the practice and procedure shall be as provided by subsection 1. 9 Edw. VII. c. 28, s. 7 (2, 3). Matters pending in Divisional Courts on 31st December, 1912.

#### OFFICES AND OFFICERS.

**76.**—(1) There shall be the following officers of the Officers.  
Supreme Court:—

<i>In Toronto:</i>	<i>in Toronto.</i>
(a) An Official Guardian;	Official Guardian.
(b) A Master in Chambers;	Master in Chambers.
(c) A Master in Ordinary;	Master in Ordinary.
(d) A Registrar of the Appellate Division;	Registrar of Appellate Division.
(e) Two or more Registrars of the High Court Division, the senior of whom shall be called the Senior Registrar;	Registrars of High Court Division.
(f) A Clerk of the Crown and Pleas;	Clerk of Crown and Pleas.
(g) An Accountant;	Accountant.
(h) Two or more Taxing Officers;	Taxing Officers.
(i) An Assistant Registrar of the Appellate Division;	Assistant Registrar of Appellate Division.
(j) A Clerk of Records and Writs;	Clerk of Records and Writs.
(k) A Clerk in Chambers;	Clerk in Chambers.
(l) A Marshal and Clerk of Assize for the County of York;	Marshal and Clerk of Assize
(m) A Clerk of the Process;	Clerk of Process.
(n) As many Stenographic Reporters as the Lieutenant-Governor in Council may deem necessary;	Stenographic Reporters.
	(o)

Official Referees. (o) As many Official Referees as the Lieutenant-Governor in Council may deem necessary;

Special Examiners. (p) In addition to those who are *ex officio* special examiners, as many Special Examiners as the Judges of the Supreme Court may deem necessary and appoint;

Out of Toronto.

*Out of Toronto:*

Deputy Clerks of Crown and Pleas, Deputy Registrars and Local Registrars. (q) A Deputy Clerk of the Crown and Pleas, and a Deputy Registrar, if those offices are not consolidated, and a Local Registrar if they are consolidated, for every county except the County of York;

Local Masters.

(r) One or more Local Masters for every county except the County of York, who shall also be *ex officio* Referees of Titles in their respective counties.

and the officers mentioned in this subsection, except the Special Examiners, shall be appointed by the Lieutenant-Governor in Council.

Other officers may be appointed.

(2) The Lieutenant-Governor in Council may appoint such other officers and clerks as he may deem necessary for the proper despatch of business in the Supreme Court.

Existing officers to continue.

(3) Every person now holding any of the offices mentioned in subsection 1, and every officer and clerk employed in the office of any such officer shall continue to hold office during pleasure, and every officer and clerk hereafter appointed shall also hold office during pleasure.

Tenure of office.

Officers may be dispensed with.

(4) If the Lieutenant-Governor in Council deems it advisable so to do, he may dispense with any of the officers mentioned in subsection 1, or may amalgamate his office with any other office.

Existing officers to retain rank, etc.

(5) Existing officers shall retain their present rank and seniority, and subject to subsection 6, their offices shall retain the names they now bear.

Official names may be changed.

(6) The official names of any of the offices and officers may be changed, and the duties assigned to any officer may be regulated and changed by the Lieutenant-Governor in Council and, subject to any Order in Council, by the Rules.

Duties of officers may be prescribed by the Rules.

(7) Subject to any order made by the Lieutenant-Governor in Council, the duties to be performed in the Supreme Court or in either Division of it or in a Divisional Court



or in Chambers, in connection with the business therein, other than those to be performed by the Judges, shall be assigned to such officer as may be directed by the Rules and shall be performed by him.

(8) Duties may be assigned to an officer in respect of business in either of the Divisions or in both of them, and every officer shall perform the duties assigned to him by the Rules, whether or not they appertain to the office which he holds. R.S.O. 1897, c. 51, ss. 131 to 134, 143, 145, 153, 157, 159, 169, (*parts*); 5 Edw. VII. c. 13, s. 4, *amended*.

Duties in either Division may be assigned to officers.

**77.**—(1) Every officer hereafter appointed shall, before entering upon the duties of his office, take and subscribe the following oath:—

Oath of officers.

"I, A. B., of \_\_\_\_\_, solemnly swear that I will, Form.  
according to the best of my skill, learning, ability and judgment, well and faithfully execute and fulfil the duties of the office of \_\_\_\_\_ without favour or affection, prejudice or partiality, to any person. So help me God."

(2) The oath shall be administered by a Judge in Court.

Oath to be administered by a Judge in Court.

(3) Where it is not convenient for a person appointed to an office to attend at Toronto to take the oath, it may be taken before the Judge of the County Court of the County in which the officer resides, or before a commissioner authorized to take affidavits in that county.

Exception where inconvenient for officer to attend at Toronto.

(4) Where the oath is taken in accordance with subsection 3, the Judge or Commissioner before whom it is taken shall forthwith transmit the oath to and it shall be filed in the Central Office. R.S.O. 1897, c. 51, s. 135.

Oath to be transmitted to, and filed in Central Office.

#### OFFICERS PAID BY SALARY NOT TO TAKE FEES.

**78.**—(1) Except where in this Act it is otherwise expressly provided, an officer who is paid by salary shall not take for his own benefit, directly or indirectly, any fee or emolument except the salary to which he is entitled, and the fees payable in respect of proceedings in his office shall be payable to the Crown. R.S.O. 1897, c. 51, s. 147 (1).

Officers paid by salary not to take fees.

(2) Subsection 1 shall not apply to the fees of—

(a) A Deputy Clerk of the Crown and Pleas on an examination had before him as a special examiner or on a reference made to him as an official referee.

Exceptions.

(b)

- (b) A stenographic reporter for copies of shorthand notes of evidence. R.S.O. 1897, c. 51, s. 144 (1), *amended*.

## RETURN OF FEES.

Return of fees.

**79.**—(1) Every officer paid wholly or partly by fees, whether commuted or not, shall on or before the 15th day of January in every year, transmit to the Inspector of Legal Offices a just, true and faithful account, verified by his oath, of the amount of fees paid or payable to him in cash or in law stamps, in respect of his office during the next preceding calendar year, and such other particulars with reference to the business of his office as the Inspector may require.

Form of return may be prescribed.

(2) The Lieutenant-Governor in Council or the Minister having charge of the matter may require the return to state any particulars, or to be made in any form which may be deemed proper, and the return shall be made accordingly. R.S.O. 1897, c. 51, s. 151.

## WHERE OFFICES TO BE KEPT.

Certain officers in Toronto to keep their offices at Osgoode Hall.

**80.** The officers in Toronto mentioned in section 76, except those mentioned in clauses (a), (n), (o) and (p), shall keep their offices at Osgoode Hall, in the City of Toronto. R.S.O. 1897, c. 51, s. 138, *amended*.

Local Master to keep office in county town.

**81.** Every Local Master shall keep his office in the county town of the county for which he is appointed. R.S.O. 1897, c. 51, s. 143 (1), *part*.

Certain offices to be kept at Court House.

**82.**—(1) Subject to subsection 2, every Local Registrar, every Deputy Clerk of the Crown and Pleas, and every Deputy Registrar shall, if proper accommodation is afforded to him there, keep his office in the court house of the county for which he is appointed, and until he can obtain such accommodation he shall keep his office in some convenient place in the county town.

Exception.

(2) The Local Registrar at Sandwich may keep an office in some convenient place in the city of Windsor, subject to such arrangements as the council of the county of Essex may assent to, and the Lieutenant-Governor in Council may approve. R.S.O. 1897, c. 51, s. 156.

## OFFICE HOURS.

**83.** Except on holidays, and subject to the Rules as to Office hours. office hours during vacations, the offices of the Local Registrars, Deputy Clerks of the Crown and Pleas and Deputy Registrars and those of the Supreme Court and of both divisions of it at Osgoode Hall, shall be kept open from 10 o'clock in the forenoon until 4 o'clock in the afternoon, except on Saturdays, when the offices shall be kept open until 1 o'clock in the afternoon. 2 Geo. V. c. 17, s. 10 (2).

[As to Clerks of County Courts see 10 Edw. VII. c. 30, s. 9, and as to Registrars of Surrogate Courts see Sur. Court Rule 30.]

## SECURITY FROM OFFICERS.

**84.**—(1) Every officer of the Supreme Court, if and when Officers to give security, if required. so required by the Lieutenant-Governor in Council, shall give security to His Majesty for the due performance of the duties of his office in such sum as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 51, s. 136; 63 V. c. 17, s. 8.

(2) The neglect to give such security shall render the Consequences of neglecting to do so. appointment of the officer void, but the forfeiture of office shall not affect any act done by him while he continues to act. R.S.O. 1897, c. 51, s. 137.

## SEALS OF OFFICERS OUT OF TORONTO.

**85.**—(1) In the offices of the Local Registrars, Deputy Registrars and Deputy Clerks of the Crown and Pleas, such Seals of Local Registrars, Deputy Registrars and Deputy Clerks of the Crown and Pleas. seals shall be used as the Lieutenant-Governor in Council shall from time to time direct, and the same shall be impressed on every writ and other document issued out of such office; and every such writ and document, and every exemplification and copy thereof purporting to be sealed with such seal shall be received in evidence in all Courts without further proof thereof. R.S.O. 1897, c. 51, s. 152.

(2) Until other seals are authorized by the Lieutenant-Governor in Council, the seals now in use in the office of the Seals of Accountant and Master Accountant, Master in Ordinary and local officers. Accountant and in the office of the Master in Ordinary or of any local officer of either of the Divisions shall be the proper seals of those officers respectively. R.S.O. 1897, c. 51, s. 24, *part.*

## OFFICIAL REFEREES.

Official referees.

**86.**—(1) Subject to the Rules, Judges of County Courts, the Master in Ordinary, the Master in Chambers, the Clerk of the Crown and Pleas, Registrars, Local Masters, Local Registrars, Deputy Clerks of the Crown and Pleas, and Deputy Registrars shall be official referees for the trial of such questions as may be directed to be tried by an official referee.

Additional referees.

(2) Where the business requires additional official referees, the Lieutenant-Governor in Council may appoint them.

Fees of referees.

(3) Subject to subsection 4 of section 66 in the case of officers who are paid by salary, the fees on a reference or trial shall be paid in law stamps; other referees shall be paid in money. R.S.O. 1897, c. 51, ss. 141, 142.

## CERTAIN LOCAL MASTERS NOT TO PRACTISE.

Certain Local Masters, not to practise.

**87.**—(1) A Local Master whose gross income from his office of Local Master or of Deputy Registrar and Local Master is \$2,000 or upwards, and any other Local Master as to whom the Lieutenant-Governor in Council shall so direct, shall not, directly or indirectly, practise the profession of the law as counsel, or solicitor, or act as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any paper or document to be used in any court.

Penalty.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of \$400. R.S.O. 1897, c. 51, s. 148, *amended*.

Lieutenant-Governor in Council may relieve from prohibition of subsection 1.

(3) This section shall not apply to a Local Master whom the Lieutenant-Governor in Council has relieved or may hereafter relieve from its prohibition, which the Lieutenant-Governor in Council shall have authority to do. R.S.O. 1897, c. 51, s. 149, *amended*.

## VACANCY IN OFFICE OF LOCAL MASTER.

Vacancy in office of Local Master.

**88.** Where a vacancy occurs in the office of Local Master, the Judge of the County Court of the county shall be the Local Master until and unless another person is appointed Local Master, and if there are two Judges, both of them shall be Local Masters until and unless one of them or some other person is appointed sole Local Master. R.S.O. 1897, c. 51, s. 143 (2).

## APPOINTMENT OF LOCAL MASTER PRO TEMPORE.

**89.** In case of the illness or absence of a Local Master or upon his request in writing, filed with the Local Registrar, a Judge, or Deputy Judge of the County Court of the county, after approval by the Lieutenant-Governor in Council, may act as such Local Master and while so acting shall have all the powers and may perform all the duties of such Local Master. 62 V. (2), c. 11, s. 3, *amended*.

When  
Judge of  
County  
Court  
may act  
for Local  
Master.

## DEPUTY REGISTRARS, EX OFFICIO.

**90.** Where a Judge of the County Court is the Local Master, the Clerk of that Court shall be the Deputy Registrar unless another person is appointed to that office. R.S.O. 1897, c. 51, s. 143 (4), *amended*.

Deputy  
Registrars.

## CONSOLIDATION OF OFFICES OF DEPUTY CLERK OF CROWN AND PLEAS AND DEPUTY REGISTRAR.

**91.** The offices of the Deputy Clerk of the Crown and Pleas, and Deputy Registrar (not Local Master) may be consolidated as vacancies occur in either of them and when they are held by the same person, he shall be styled Local Registrar. R.S.O. 1897, c. 51, s. 143 (5).

Local  
Registrars.

## LOCAL REGISTRARS, EX OFFICIO.

**92.** Unless another person is appointed, the Clerk of the District Court shall *ex officio* be Local Registrar for his District. 1 Geo. V. c. 17, s. 33, *amended*.

Clerks of  
District  
Courts to  
be Local  
Registrars.

## CLERKS OF COUNTY COURTS TO BE DEPUTY CLERKS OF CROWN AND PLEAS.

**93.** Except in the County of York, and unless another person is appointed, the Clerk of the County Court shall *ex officio* be Deputy Clerk of the Crown and Pleas for his county, unless the offices of Deputy Clerk and Deputy Registrar are consolidated under section 80. R.S.O. 1897, c. 51, s. 143 (3), *amended*.

Deputy  
Clerks of  
the Crown  
and Pleas.

## SALARIES OF DEPUTY CLERKS OF THE CROWN AND PLEAS.

**94.**—(1) Every Deputy Clerk of the Crown and Pleas shall be paid out of any money appropriated for that purpose by this Legislature a yearly salary of such amount not exceeding

Salaries of  
Deputy  
Clerks of  
the Crown  
and Pleas.

ceeding \$600 or less than \$100, as the Lieutenant-Governor in Council shall direct.

When maximum not to apply.

(2) The maximum of \$600 shall not apply where the Deputy Clerk does not hold the office of Registrar of the Surrogate Court. R.S.O. 1897, c. 51, s. 150.

#### FEES OF OFFICERS ATTENDING SITTINGS.

Fees for attending sittings for trial.

**95.**—(1) Every Local Registrar, Deputy Clerk of the Crown and Pleas, and Deputy Registrar, and every officer authorized to act as Local Registrar, Deputy Clerk of the Crown and Pleas, or Deputy Registrar, shall be entitled to be paid out of the Consolidated Revenue Fund \$4 for each day's attendance at non-jury as well as at jury sittings. R.S.O. 1897, c. 51, s. 154; 1 Edw. VII. c. 12, s. 6.

#### STENOGRAPHIC REPORTERS.

Stenographic reporters.

**96.**—(1) The Stenographic Reporters shall be officers of the Court to which they are appointed, and shall perform such other duties as may be assigned to them by the Lieutenant-Governor in Council or by the Rules. R.S.O. 1897, c. 51, s. 169.

Reporter's oath.

(2) Every such reporter shall take and subscribe the following oath before a Judge of the Court to which he is appointed, and the oath shall be filed with the proper officer of that Court:—

Form.

**I, (A. B.), solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings in each case in which I act as stenographic reporter. So help me God."**

R.S.O. 1897, c. 51, s. 170, *amended*.

Reporters for County and Surrogate Courts.

**97.** The Lieutenant-Governor in Council may appoint a Stenographic Reporter for any County Court or Surrogate Court and the provisions of the next preceding section shall apply to a Stenographic Reporter so appointed. *New*.

#### SPECIAL EXAMINERS.

Ex Officio, special examiners.

**98.**—(1) Every Local Registrar, Deputy Clerk of the Crown and Pleas, Deputy Registrar, and Clerk of the County Court shall *ex officio* be a Special Examiner for the county for which he is appointed. *New*.

Appointment of special examiners.

(2) The Judges of the Supreme Court may appoint special examiners for the purpose of taking evidence of parties and witnesses, and a commission under the seal of the Court shall be issued to a Special Examiner so appointed.

(3) There shall be but four special examiners in Toronto, <sup>Number limited.</sup> in addition to the officer or clerk at Osgoode Hall mentioned in subsection 4.

(4) No officer or clerk at Osgoode Hall who is in receipt of a salary as such officer or clerk from the Province shall act as a special examiner for fee or reward; but the fees payable in respect of any examination before him or for copies or certificates thereof or connected therewith shall be payable to the Crown, and not otherwise, and no such officer or clerk whose salary is so paid shall be eligible for appointment as a special examiner. <sup>Salaried officers at Osgoode Hall not to take fees as special examiner for own use.</sup>

(5) Where a vacancy occurs in the office of special examiner there shall thereafter be but three special examiners in Toronto, in addition to such officer or clerk. <sup>Number of special examiners.</sup> R.S.O. 1897, c. 51, s. 172.

(6) Where an examination is taken by a stenographer or other person who is not a special examiner, it shall be taken in the presence of the special examiner. <sup>Examination to be taken in presence of special examiner.</sup> R.S.O. 1897, c. 51, s. 173.

(7) A special examiner shall not solicit or make request from any suitor, solicitor, or other person, or offer any inducement to have a special examination taken before him, nor shall any one do so on his behalf with his knowledge or assent, on pain of forfeiture of office. <sup>Examinations not to be solicited.</sup> R.S.O. 1897, c. 51, s. 174.

(8) Where it appears to the Lieutenant-Governor in Council that a Local Registrar, a Deputy Clerk of the Crown and Pleas, a Deputy Registrar, or a Clerk of a County Court elsewhere than in Toronto, is infirm or ill, or is otherwise unable or unfit to act personally as special examiner, or if he is absent on leave, the Lieutenant-Governor in Council may appoint the stenographic reporter for the County Court, or some other person to act temporarily or otherwise as such special examiner in his stead. <sup>Appointment of special examiners, pro tem.</sup> R.S.O. 1897, c. 51, s. 176.

#### COMMUTATION OF FEES OF CERTAIN OFFICERS.

**99.**—(1) The Lieutenant-Governor in Council may commute the fees payable to a:— <sup>Commutation of fees of certain officers.</sup>

(a) Local Master, or Local Registrar, or Deputy Registrar, including his fees as an official referee;

(b) Deputy Clerk of the Crown and Pleas on references and examinations and other matters;

for



for a fixed annual sum, not exceeding the average income derived from such fees during the next preceding five years.

Amount of commutation may be changed. (2) An annual sum so fixed, and any Order in Council for payment of any such annual sum may be rescinded, and the amount may be increased or diminished, but in no case shall it exceed the average income or fees, as the case may be, during the next preceding five years. R.S.O. 1897, c. 51, s. 144; 63 V. c. 17, s. 10.

Order in Council as to commutations to be laid before Assembly. 100.—(1) Every Order in Council determining any commutation allowance under the authority of this Act, shall be laid before the Assembly forthwith, if the Assembly is then in session, and if the Assembly is not then in session, within the first fifteen days after the opening of the next session.

Disapproval by Assembly. (2) If the Assembly at such session, or if the session does not continue for three weeks after the order in Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such Order in Council, either wholly, or so far as relates to any person named in it, the Order in Council, so far as so disapproved, shall have no effect from the time of the passing of the resolution. R.S.O. 1897, c. 51, s. 187, amended.

RETURNS BY CLERK OF PROCESS.

Clerk of Process to make quarterly returns. 101. The Clerk of the Process shall make to the Treasurer of Ontario quarterly returns verified by his affidavit, of all writs and process supplied by him to the Local Registrars, Deputy Clerks of the Crown and Pleas and Deputy Registrars to be issued by them. R.S.O. 1897, c. 51, s. 140.

ADDITIONAL FEES PAYABLE TO THE CROWN.

Fees on certain proceedings. 102. In addition to the fees otherwise payable on proceedings in the Supreme Court the following fees shall be payable to the Crown:—

On every writ of summons, capias or subpœna, and on every other writ or other document, having the seal of the Court affixed thereto .....	\$0 50
On every judgment entered .....	0 60
On every certificate of action instituted, judgment entered or order made .....	0 50
On the setting down for argument of every special case, points reserved, special verdict or appeal case.....	0 30
On every order of Court issued .....	0 20
On taxation of every bill of costs .....	0 20
On every appeal entered .....	4 00
On every judgment, decree or order of the Court passed and entered .....	2 00

R.S.O. 1897, c. 51, s. 171, part; s. 184; 3 Edw. VII. c. 8, s. 9.

**103.** If and when the Rules of Practice and Procedure which are being prepared by the Honourable Mr. Justice Middleton, under instructions from the Attorney-General, are approved by the Lieutenant-Governor in Council, the same, and the tariffs of costs and the tariffs of fees payable to the Crown and to the officers of the Court contained therein shall on or from a day to be named by the Lieutenant-Governor in Council by proclamation have the same force and effect as if they had been embodied in this Act, and shall supersede the existing Rules and tariffs; and section 102 shall after that day no longer remain or be in force.

When approved by the Lieutenant-Governor certain Rules and Tariffs of costs and fees to be substituted for those now in force.

#### INSPECTOR OF LEGAL OFFICES.

**104.** The Lieutenant-Governor in Council may appoint an officer to be called "The Inspector of Legal Offices," to inspect the offices of the Master-in-Ordinary and of the other officers of the Supreme Court and of both Divisions of it at Toronto, and the offices of the Sheriffs, Local Masters, Local Registrars, Deputy Clerks of the Crown and Pleas, Deputy Registrars, Surrogate Clerk, Registrars of the Surrogate Courts, Clerks of the Peace, County Crown Attorneys and Clerks of the County Courts, and such other offices connected with the administration of justice as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 51, s. 165; 6 Edw. VII. c. 19, s. 7.

Inspector of Legal Offices.

**105.**—(1) In addition to any other duties assigned to him by any Act of this Legislature or which may be assigned to him by the Lieutenant-Governor in Council, the Inspector shall:—

Duties of Inspector.

- (a) make a personal inspection of the offices mentioned in section 104 and of the books and Court papers belonging to them;
- (b) see that proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times and in proper form and order, and that the Court papers and documents are properly classified and preserved;
- (c) ascertain that the duties of the officers are duly and efficiently performed;
- (d) see that proper costs and charges only are allowed or exacted;
- (e) ascertain whether uniformity of practice prevails in the offices; and
- (f) report upon all such matters to the Lieutenant-Governor.

R.S.O. 1897, c. 51, s. 166, *amended*.

Inquiries by  
Inspector.

(2) Where the Inspector has occasion to inquire into the conduct of any officer in relation to his official duties or acts, he may require such officer, or any other person to give evidence before him on oath; and for that purpose he shall have the same power to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce books and documents and to give evidence, as any Court has in civil cases. R.S.O. 1897, c. 51, s. 167.

Books, etc.,  
to be pro-  
duced for  
inspection.

(3) The officers shall, when and as often as required by the Inspector, produce for examination and inspection all books and documents which are required to be kept by them, and shall report to the Inspector all such matters relating to any cause or proceeding as the Inspector shall require. R.S.O. 1897, c. 51, s. 168.

*[As to authority of Inspector to direct law stamps to be affixed to proceedings not properly stamped, see 9 Edw. VII. c. 13, s. 12.]*

#### OFFICIAL GUARDIAN.

Qualifica-  
tion of  
Official  
Guardian.

**106.**—(1) No person shall be appointed Official Guardian unless he is a Barrister at law and Solicitor of Ontario of not less than 10 years standing.

Duties.

(2) The Official Guardian shall be the guardian *ad litem* of infants and shall perform such other duties as may be assigned to him by the Rules.

Costs pay-  
able to  
Official  
Guardian  
to be paid  
into Court

(3) The same costs as are payable to counsel and solicitors shall be payable to the Official Guardian, but all costs paid to him by any party shall forthwith be paid into Court by the Official Guardian and shall be placed to the credit of an account to be entitled "Account of Official Guardian," and all costs payable to the Official Guardian out of any fund in Court shall be transferred to the credit of the same account.

Dispensing  
with pay-  
ment of  
costs out of  
small  
estates.

(4) Where an estate is small, and in view of the amount at the credit of the Account of Official Guardian the amount or part of the amount payable out of the estate for the costs of the Official Guardian does not appear to be required to pay his salary and the disbursements of his office, the Court may direct that payment out of the estate of the whole or any part of such costs be dispensed with.

Remunera-  
tion of  
Official  
Guardian.

(5) There shall be paid to the Official Guardian for all business done and all costs in respect of it over and above all disbursements, a fixed annual salary of such sum as, in view of the amount of the business done or to be done by him and the sum at the credit of the account, the Judges of the Supreme Court deem reasonable and the Lieutenant-Governor in Council approves.

(6) The salary and disbursements shall be paid monthly out of the money at the credit of the account, and the surplus at the credit of the account shall be transferred to the Sutors Fee Fund Account. Salary and disbursements to be paid monthly.

(7) If in any year the amount at the credit of the account is insufficient to pay the salary and disbursements the deficiency shall be paid out of the Sutors Fee Fund Account. Deficiency to be paid out of Sutors Fee Fund Account.  
R.S.O. 1897, c. 51, s. 157, *part, amended.*

(8) Subject to the approval of the Lieutenant-Governor in Council, the Official Guardian may appoint a deputy to act for him when he may be absent from Toronto, or ill, and such deputy shall have all the powers and shall perform all the duties of the Official Guardian during any such absence or illness. *New.* Deputy Official Guardian.

(9) No person shall be appointed as such deputy unless he is a Barrister at law and Solicitor of Ontario of not less than 10 years standing. *New.* Qualification of Deputy.

(10) The Official Guardian may employ as agents, solicitors out of Toronto for the purpose of any proceeding being carried on out of Toronto, and a solicitor so appointed shall be entitled to the same costs for the work actually done by him as the Official Guardian would have been entitled to if the work had been done by him, and such costs shall be paid to the solicitor and shall be deemed to be a disbursement of the Official Guardian. Employment of Solicitor out of Toronto.

(11) The Official Guardian shall once in every six months file in the office of the Accountant a statement verified by his affidavit showing in detail all costs received by him as Official Guardian during the next preceding six months and the names of the actions and matters in which the same were received together with the date of receipt. Half-yearly statement of costs received to be made and filed.

(12) If the Lieutenant-Governor in Council so directs, the Official Guardian shall not directly or indirectly practise the profession of the law as counsel or solicitor or act as a notary public or conveyancer or do any matter of conveyancing or prepare any paper or document to be used in any Court of Ontario except in the discharge of his duties as Official Guardian or of a duty which may be assigned to him under the authority of this Act. Official Guardian not to practise if Lieutenant-Governor in Council so directs.

(13) For every contravention of the next preceding subsection the Official Guardian shall incur a penalty of \$400. *R.S.O. 1897, c. 51, s. 157, part.* Penalty.

Official  
Guardian  
not to give  
security  
for costs.

(14) Unless otherwise ordered by the Court or a Judge the Official Guardian shall not be required to give security for the costs of any proceeding. *New.*

Return by  
Accountant  
as to state  
of account  
of Official  
Guardian.

(15) The Accountant shall on or before the 15th day of January in every year transmit to the Provincial Secretary a statement certified by him to be a true statement, showing the state of the Account of Official Guardian on the 31st day of the next preceding December. R.S.O. 1897, c. 51, s. 158.

New  
Official  
Guardian.

(16) When a new Official Guardian is appointed he shall *ipso facto* become and be by virtue of his appointment guardian *ad litem* of all infants in the place and stead of his predecessor with the same rights, duties and powers, and the latter or his executors or administrators shall forthwith deliver to the new Official Guardian all letters, papers, documents and books in his or their possession or power relating to matters in which such predecessor acted as Official or other Guardian *ad litem* of infants, and the new Official Guardian shall forthwith notify all persons concerned of his appointment. R.S.O. 1897, c. 51, s. 157 (9).

#### ACCOUNTANT.

Accountant  
to be a cor-  
poration  
sole.

**107.**—(1) The Accountant of the Supreme Court shall be a corporation sole by the name of "The Accountant of the Supreme Court of Ontario," and as such corporation sole shall have perpetual succession and may sue and be sued and may plead and be impleaded in any of His Majesty's Courts.

Money,  
mortgages,  
etc., to be  
vested  
in Account-  
ant.

(2) All money, mortgages, stocks, securities and property now vested in the Accountant, as such corporation sole, shall continue to be so vested in him, and all money in Court and all securities in which money paid into Court is invested shall be vested in him as such corporation sole, subject to the provisions of this Act. R.S.O. 1897, c. 51, s. 159, *part.*

Where there  
is no  
Accountant,  
officer desig-  
nated by the  
Rules shall  
be the  
Accountant.

(3) Where there is a vacancy in the office of Accountant, such officer or person as may be directed by the Rules to perform the duties of the office shall be deemed to be and shall have all the powers of the Accountant. R.S.O. 1897, c. 51, s. 160, *amended.*

Expenses of  
Account-  
ant's office.

(4) The expenses of the Accountant's office including all salaries shall be the first charge on the income from the funds in Court, and the surplus income after payment of such interest on the money of suitors as by the Rules or

Surplus to  
be paid to  
suitors fee  
fund.

otherwise

otherwise is directed to be paid shall be transferred to the Suitors Fee Fund Account. R.S.O. 1897, c. 51, ss. 162, 163.

INVESTMENT OF COURT FUNDS.

**108.**—(1) The Judges of the Supreme Court shall have Finance and may delegate to a committee of themselves appointed for Committee of Judges. that purpose, to be called The Finance Committee, the control and management of the money in Court and the securities in which it is invested and the investment of such money. *New.*

(2) Money paid into Court shall be invested in the name of the Accountant, or if there is no Accountant in the name of such officer as may be directed by the Rules, and may be invested in such of the securities in which a trustee may under *The Trustee Act* invest, as may from time to time be directed by the Judges of the Supreme Court or by the Finance Committee. <sup>1 Geo. V. c. 26.</sup>

(3) The Lieutenant-Governor in Council may direct that any part of such money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it. R.S.O. 1897, c. 51, ss. 159 (2), 161; 62 V. (2), c. 11, s. 5, *part*; 6 Edw. VII. c. 19, s. 6.

(4) Where an investment in debentures of a municipal corporation is made, the validity of the debentures shall not thereafter be open to question but they shall be deemed to be valid. 62 V. (2), c. 11, s. 5, *part*.

(5) The Judges of the Supreme Court or the Finance Committee may employ a Trust Corporation to make the investments of money paid into Court on such terms and conditions as may be agreed on. *New.*

**109.** All money, securities, effects and real or personal property vested in or held by the Accountant or by the Official Guardian or by any one appointed to discharge the duties of either of them shall be deemed to be vested in them in trust for His Majesty, but may, nevertheless, be paid out, sold, disposed of, assigned, conveyed or dealt with in accordance with any statute or the Rules, or with any judgment, or order of Court, or Order of the Lieutenant-Governor in Council or otherwise as heretofore or as may be provided or directed by any such statute, rules, judgment, order, or Order-in-Council. R.S.O. 1897, c. 51, s. 159 (2), *part*; 62 V. (2), c. 11, s. 4.

## SUITORS FEE FUND ACCOUNT.

Suitors fee fund.

**110.** The Suitors Fee Fund Account shall be kept and managed as may from time to time be directed by the Judges of the Supreme Court or the Finance Committee and any Divisional Court or any Judge of the Supreme Court may apply so much of the money at the credit of the account as may be necessary for the protection of any infant or other person not *sui juris* or *non compos mentis*, on whose behalf proceedings may be had in the Court, or may be ordered to be had in another Court, and may also, from time to time, order to be paid, out of the money at the credit of the account, any sum required to make good a default in respect of any suitor's money or securities from any mistake, act or omission of any officer of the Court, but such payment shall not prejudice the right to require the officer or his sureties to make good the loss occasioned by the mistake, act or omission. R.S.O. 1897, c. 51, s. 164.

Certain losses may be charged on suitors fee fund.

## RULES OF COURT.

Judges of Supreme Court may make rules.

**111.**—(1) The Judges of the Supreme Court may at any time amend or repeal any of the Rules including those mentioned in section 103 and may make any further or additional Rules for carrying this Act into effect, and in particular for:—

Sittings.

(a) Regulating the sittings of the Divisional Courts and of the Judges of the High Court Division sitting in Court or in Chambers;

Pleading, practice and procedure.

(b) Regulating the pleading, practice, and procedure in the Supreme Court and the Divisions thereof and in the Divisional Courts, and in the County and Surrogate Courts. R.S.O. 1897, c. 51, s. 122; 10 Edw. VII. c. 26, s. 7, (2).

Service out of Ontario.

(c) Allowing service out of Ontario. *New.*

Fees of special examiners and stenographic reporters.

(d) Prescribing the fees and charges of Special Examiners and Stenographic Reporters. *New.*

Vacations.

(e) Fixing the vacations. *New.*

Empowering Master in Chambers, etc., to transact business.

(f) Empowering the Master in Chambers, or any officer sitting for him or in his stead or the Judges of the County Courts, other than a Judge of the County Court of the County of York, or the Local Masters in respect of actions brought in their



their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom, or by the Rules, are or may be done, transacted or exercised by a Judge of the High Court Division sitting in Chambers, as shall be specified in any such rule, except in respect of matters relating to:—

Exceptions.

- (i) The liberty of the subject; Liberty of the subject.
- (ii) Appeals and applications in the nature of appeals; Appeals.
- (iii) Proceedings under *The Lunacy Act*; Proceedings under Lunacy Act.  
9 Edw. VII. c. 37.
- (iv) Applications for advice under *The Trustee Act*; Applications for advice under Trustee Act  
1 Geo. V. c. 26.
- (v) Matters affecting the custody of children; Custody of children.
- (vi) Proceedings enabling infants to make binding settlements of their real and personal property on marriage; Enabling infants to make marriage settlements.
- (g) Generally, for regulating any matters relating to the practice and procedure of the Courts mentioned in clause (b), or to the duties of the officers thereof, or to the costs of proceedings therein; and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors, and carrying into effect the provisions of this Act and of all other Acts respecting such Courts; Regulating practice and procedure, duties of officers, costs, etc.
- (h) Subject to the approval of the Lieutenant-Governor in Council for making rules from time to time regulating all fees payable to the Crown in respect of proceedings in any Court. Fees payable to the Crown.

(2) Where any provisions in respect of the practice or procedure of any Court, the jurisdiction of which is vested in the Supreme Court, are contained in any statute Rules may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to such Court unless, in the case of an Act hereafter passed, that power is expressly excluded.

Provisions of statutes as to practice or procedure may be modified.

Exception.

Provisions as to payment into or out of Court of money, etc.

(3) Any provisions relating to the payment, transfer or deposit into, or in, or out of any Court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure. R.S.O. 1897, c. 51, s. 122, *amended*.

Lieut.-Governor in Council may authorize certain Judges and others to make rules.

**112.**—(1) The Lieutenant-Governor in Council may from time to time authorize the Chief Justices, including the Chancellor, if any, and any one or more of the other Judges of the Supreme Court and the Treasurer of the Law Society of Upper Canada and any two Barristers-at-law of Ontario to make Rules under this Act; and every appointment so made shall continue for the time specified in the Order in Council.

Effect of rules so made.

(2) The persons so appointed, or any three of them, may make such rules, and they shall have the same effect as if made under section 111. R.S.O. 1897, c. 51, s. 125, *amended*.

#### COUNCIL OF JUDGES.

Council of Judges.

**113.**—(1) A Council of the Judges of the Supreme Court, of which due notice shall be given to all of them, shall assemble once at least in every year, on such day as shall be fixed by the Lieutenant-Governor in Council, for the purpose of considering the operation of this Act and of the Rules, and the working of the offices and the arrangements relative to the duties of the officers of the Court, and of enquiring and examining into any defects which may appear to exist in the system of procedure or the administration of justice in the Supreme Court or in any other Court, or by any other authority.

Purposes for which Council to be held.

Council to report to Lieutenant-Governor.

(2) The Council shall report to the Lieutenant-Governor what amendments or alterations, if any, it would be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision, if any, which cannot be carried into effect without legislative authority it would be expedient to make for the better administration of justice.

Extraordinary Councils.

(3) An extraordinary council for the purposes mentioned in subsection 1 may also at any time be convened by the Lieutenant-Governor in Council. R. S. O. 1897, c. 51, s. 127, *amended*.

#### DELEGATION OF POWERS OF JUDGES.

Delegation of powers of Judges.

**114.**—(1) Where by this or any other Act any power or authority is conferred upon the Judges of the Supreme Court

or upon the Judges of the High Court Division as a body they may respectively delegate such power or authority to a committee of themselves and when it is exercised by the committee the acts done by the committee shall have the same effect as if they had been done by the body by which the committee was appointed.

(2) The presence of a majority of the members of the committee shall be necessary to constitute a quorum for the transaction of business. Majority to be a quorum.

(3) Subsection 1 shall not apply to the making of Rules under the powers conferred by section 111 or to a Council of the Judges provided for by section 113. *New.* Application of subs. 1.

#### QUORUM OF MEETINGS OF JUDGES.

**115.** Where by this Act any power is conferred on the Judges of the Supreme Court or of the High Court Division the power may be exercised at a meeting duly called at which in the case of the Supreme Court at least seven of the Judges are present, and in the case of the High Court Division at least five of the Judges are present. *New.* Quorum of meetings of Judges.

#### LOCAL JUDGES OF THE HIGH COURT DIVISION.

**116.** Except in the County of York, every Judge of a County Court shall be a Judge of the High Court Division for the purposes of his jurisdiction in actions in the Supreme Court; and in the exercise of such jurisdiction may be styled a Local Judge of the High Court, and shall, in all causes and actions in the Supreme Court, have, subject to the Rules, power and authority to do and perform all such acts and transact all such business in respect to matters and causes in or before the High Court Division as he is or may be by statute or the Rules empowered to do and perform. R.S.O. 1897, c. 51, s. 185. County Court Judges to be local Judges of High Court.

#### SHERIFFS, ETC.

**117.** Sheriffs, Deputy Sheriffs, Gaolers, Constables and other peace officers, shall aid, assist and obey the Court and the Judges thereof in the exercise of the jurisdiction conferred by this Act, and otherwise, whenever by the Rules or by the order of the Court or of a Judge required so to do. R. S. O. 1897, c. 51, s. 178. Sheriffs, Gaolers, etc., to obey orders of the Court.

## GAOLS.

Gaols to be prisons of the Court. **118.** All gaols in Ontario shall be prisons of the Court. R. S. O. 1897, c. 51, s. 179.

## OATHS AND AFFIDAVITS.

Administra-  
tion of  
oaths.

**119.** Every officer of the Supreme Court shall, for the purposes of any proceeding directed by a Judge of the Court or by a Divisional Court to be taken before him, have power to administer oaths, to take affidavits, and to examine parties and witnesses as the Court or Judge may direct. R.S.O. 1897, c. 51, s. 177.

## WITNESS FEES.

Fees of  
certain  
officers  
producing  
documents.

**120.** A public official or other witness subpoenaed or called upon to produce before any Court or other tribunal any public or other document shall not be entitled to more than ordinary witness fees, unless the Court or other tribunal otherwise orders. R. S. O. 1897, c. 51, s. 120.

## PROVISIONS APPLICABLE TO COUNTY COURTS.

Certain  
sections to  
apply to  
County  
Courts.

**121.** In addition to the provisions of this Act which are expressly made applicable to all Courts or County Courts or are otherwise by their terms so applicable, sections 24, 32, 34, 36, 50 to 52, 58 to 62, 71, 72, 74, 117 and 118 shall *mutatis mutandis* apply to the County Courts.

## COMMISSIONS FOR HOLDING SITTINGS, ETC.

Power to  
issue Com-  
missions  
not to be  
affected.

**122.** This Act shall not affect the power to issue Commissions for the discharge of civil or criminal business on circuit or otherwise; or the authority of a Judge or a retired Judge of any of the Superior Courts, or a Judge of a County Court, or one of His Majesty's Counsel learned in the law, to preside without any Commission at any sittings for the trial of civil causes, matters and issues or for the trial of criminal matters and proceedings; and any such Judge or Counsel shall have the same authority to preside at and to hold any such sittings as a Judge of the High Court Division; and when so presiding with or without a Commission, or when holding any such sittings, shall be deemed to constitute the Court. R.S.O. 1897, c. 51, s. 188.

## ACCESS TO CERTAIN BOOKS.

All books in  
which writs,  
judgments,  
etc., are  
entered to  
be open to  
inspection.

**123.**—(1) Every person shall have access to and be entitled to inspect the books of the Supreme Court and of the County Courts, containing records or entries of the writs issued, judgments entered, and chattel mortgages and bills of sale filed; and no person desiring such access or in-  
spection

spection shall be required, as a condition of his right thereto, to furnish the names of the parties or the style of the causes or matters in respect of which such access or inspection is sought.

(2) Every officer having the charge or custody of any such book shall upon request produce for inspection any writ of summons or copy thereof so issued, and any judgment roll, or chattel mortgage, or bill of sale so filed in his office, or of which records or entries are, by law, required to be kept in such book. R.S.O. 1897, c. 51, s. 189.

(3) The fees payable in respect of such inspection shall be 25 cents for a general search, and 10 cents for each writ of summons, judgment roll, chattel mortgage or bill of sale inspected, and 10 cents per folio shall also be payable for all extracts, whether made by the person making the search or by the officer. R.S.O. 1897, c. 51, s. 190.

#### CERTAIN PRACTICE AND PROCEDURE NOT AFFECTED.

**124.** Nothing in this Act shall affect the practice or procedure in criminal matters, or matters connected with Dominion controverted elections. R. S. O. 1897, c. 51, s. 191.

#### REPEAL.

**125.** The Acts and enactments mentioned in the Schedule are repealed.

### SCHEDULE OF ENACTMENTS REPEALED.

Enactment.	Extent of Repeal.
R.S.O. 1897, c. 51.	The whole Act.
61 Vict., c. 13.	The whole Act.
62 Vict. (2), c. 11.	Sections 4 and 5.
62 Vict. (2), c. 13.	The whole Act.
63 Vict., c. 17.	Section 10.
3 Edw. VII., c. 8.	The whole Act.
4 Edw. VII., c. 11.	The whole Act.
5 Edw. VII., c. 13.	Sections 4 and 5.
5 Edw. VII., c. 22.	Section 46.
6 Edw. VII., c. 19.	Sections 6 and 7.
8 Edw. VII., c. 34.	The whole Act.
9 Edw. VII., c. 27.	The whole Act.
9 Edw. VII., c. 28.	The whole Act so far as it is not already repealed.
10 Edw. VII., c. 27.	The whole Act.
10 Edw. VII., c. 28.	The whole Act.
2 Geo. V., c. 17.	Section 10.

## CHAPTER 20.

An Act relating to Leases, Sales and Mortgages  
of Settled Estates.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.  
 INTERPRETATION, ss. 2, 38.  
 LEASES, ss. 3-13.  
 SALES AND MORTGAGES, ss. 14-16.  
 DEDICATING AND MAINTAINING  
 STREETS, s. 17.  
 PROCEEDINGS IN COURT, ss. 18-23.  
 APPLICATION OF MONEYS, ss. 24-27.  
 POWERS CONFERRED ON COURT MAY  
 BE EXERCISED REPEATEDLY, ss.  
 28, 29.

ACTS OF COURT TO BE CONCLUSIVE,  
 ss. 30, 31.  
 COSTS, s. 32.  
 LEASES BY TENANTS FOR LIFE ETC.,  
 ss. 33, 34.  
 APPLICATIONS AND CONSENTS, ss.  
 35-37.  
 POWERS CONFERRED BY OTHER ACTS  
 NOT AFFECTED, s. 39.  
 REPEAL, s. 40.

**H**IS MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

Short title. **1.** This Act may be cited as *The Settled Estates Act*.  
 R.S.O. 1897, c. 71, s. 1.

Interpreta- **2.**—(1) In this Act,  
 tion.

"Court." (a) "Court" shall mean the High Court Division.  
 R.S.O. 1897, c. 71, s. 2 (5). *Amended.*

"Income." (b) "Income" shall include rents and profits.

"Land." (c) "Land" shall include incorporeal hereditaments,  
 also an undivided share in land.

"Possession." (d) "Possession" shall include receipt of income.  
*New. See 45 and 46 Vict. (Imp.) c. 38, s. 2*  
 (10), *part.*

"Settled estates." (e) "Settled estate" shall mean land and all estates or  
 interests in land which are the subject of a settle-  
 ment.

(f)

- (f) "Settlement" shall mean a statute, deed, agreement, will or other instrument, or any number of such instruments, under or by virtue of which land or any estate or interest in land stands limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively.

(2) For the purposes of this Act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life.

Tenant in tail after possibility of issue extinct.

(3) All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir, or as upon an intestacy to the representative of a testator, shall be deemed to be estates coming to such settlor, heir or representative under or by virtue of the settlement.

Estates in remainder or reversion not disposed of by settlement.

(4) In determining what are settled estates within the meaning of this Act, the Court shall be governed by the state of facts, and, by the trusts or limitations of the settlement at the time of the settlement taking effect. R.S.O. 1897, c. 71, s. 2 (1-4), amended; and see 40 and 41 Vict. (Imp.), c. 18, s. 2.

Determining what are settled estates.

**3.**—(1) The Court, if it deems it proper and consistent with a due regard for the interests of all persons entitled under the settlement, and subject to the provisions and restrictions of this Act may authorize leases of any settled estate, or of any rights or privileges over or affecting any settled estate, for any purpose whatsoever, the following conditions being observed:

Power to authorize leases of settled estates. Imp. Act 40 and 41 V. c. 18, s. 4.

(a) Every such lease shall be made to take effect in possession at or within one year after the making thereof, and shall be for such term of years as the Court shall direct, where the Court is satisfied that it is beneficial to the inheritance to grant such a lease.

When lease to take effect.

(b) On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener, and to be incident to the immediate reversion; but in the case of a mining lease, a repairing lease or a building lease, a nominal rent or any smaller rent than the rent to be ultimately made payable may, if the Court thinks fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

Best rent to be reserved.

Exception.

(c)



Reservation  
of rent in  
leases of  
earth, coal,  
stone or  
minerals.

- (c) Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved shall be from time to time set aside and invested, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone or mineral for his own benefit, one-fourth part of such rent, and in other cases three-fourth parts thereof; and in every such lease sufficient provisions shall be made to ensure such application of that portion of the rent by the appointment of trustees or otherwise as the Court deems expedient.

Cutting  
timber.

- (d) No such lease shall authorize the cutting of any timber or the felling of any trees except in the ordinary course of husbandry, or so far as shall in the judgment of the court be necessary, nor shall it be made without impeachment of waste.

Form of  
lease.

- (e) Every lease shall be by deed, in duplicate, executed by the lessor and lessee; and shall be subject to the statutory right of re-entry for non-payment of rent contained in *The Landlord and Tenant Act*.

1 Geo. V.  
c. 37.

Agreements  
for renewal.

- (2) Any such lease may contain an agreement for the renewal or renewals thereof, if the Court thinks fit, and the Court may determine the length of time for which such renewal or renewals, if any, may be made. R.S.O. 1897, c. 71, s. 3.

Special  
covenants.

4. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions and stipulations as the Court deems expedient with reference to the special circumstances of the demise. R.S.O. 1897, c. 71, s. 4.

Imp. Act 40  
and 41 V. c.  
18, s. 5.

Leases of  
parts of set-  
tled estates  
Imp. Act 40  
and 41 V. c.  
18, s. 6.

5. The power to authorize leases conferred by this Act shall authorize leases either of the whole or any part of the settled estate, and may be exercised from time to time. R.S.O. 1897, c. 71, s. 5.

Surrender  
and re-  
newal.

Imp. Act 40  
and 41 V. c.  
18, s. 7.

6. A lease, whether granted in pursuance of this Act, or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorize leases, conferred by this Act, shall authorize a new

lease

lease of the whole or any part of the hereditaments comprised in any surrendered lease. R.S.O. 1897, c. 71, s. 6.

7. The power to authorize leases conferred by this Act shall extend to authorize preliminary contracts to grant such leases, and any of the terms of such contracts may be varied in the leases. R.S.O. 1897, c. 71, s. 7.

Preliminary contracts.  
Imp. Act 40 and 41 V. c. 18, s. 8.

8. The power to authorize leases conferred by this Act may be exercised by the Court, either by approving of a particular lease, or by ordering that the power of leasing in conformity with the provisions of this Act shall be vested in trustees in manner hereinafter mentioned. R.S.O. 1897, c. 71, s. 8.

Made in which leases may be authorized.  
Imp. Act 40 and 41 V. c. 18, s. 10.

9. Where application is made to the Court either to approve of a particular lease, or to vest any power of leasing in trustees, the Court shall require the applicant to produce such evidence as it deems sufficient to enable it to ascertain the nature, value and circumstances of the estate and the terms and conditions on which leases thereof ought to be authorized. R.S.O. 1897, c. 71, s. 9.

What evidence to be produced on an application to authorize leases.  
Imp. Act 40 and 41 V. c. 18, s. 11.

10. Where a particular lease or contract for a lease has been approved by the Court, the Court shall direct what person shall execute the same as lessor; and the lease or contract executed by such person shall take effect in all respects as if he had been at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate if necessary by way of revocation and appointment of the use or otherwise, as the Court directs. R.S.O. 1897, c. 71, s. 10.

Direction as to who shall be lessor.  
Imp. Act 40 and 41 V. c. 18, s. 12.

11. Where the Court deems it expedient that any general power of leasing any settled estate conformably to this Act should be vested in trustees, it may, by order, vest any such power accordingly, either in the existing trustees of the settlement or in any other person or persons, and such power, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate if necessary by way of revocation and appointment of the use or otherwise, as the Court shall direct; and in every such case the Court may impose any conditions as to consents or otherwise on the exercise of such power, and may also authorize the insertion of provisions in any such order for the appointment of new trustees from time to time for the purpose of exercising such power of leasing. R.S.O. 1897, c. 71, s. 11.

Powers of leasing may be vested in trustees.  
Imp. Act 40 and 41 V. c. 18, s. 13.

Conditions  
that leases  
be settled  
by the  
Court

**12.** In any order under this Act for vesting any power of leasing in any trustees or other person or persons, no conditions shall be inserted requiring that the lease thereby authorized shall be submitted to or be settled by the Court, or be made conformable with a model lease, unless the person applying for the order desires to have any such condition inserted, or it appears to the Court that there is some special reason for the insertion of such a condition. R.S.O. 1897. c. 71, s. 12.

Imp. Act 40  
and 41 V. c.  
18, s. 14.

Striking  
out such  
conditions.

**13.** In any order, whether under this Act or under any other Act, in which any such condition shall have been inserted, any person interested may apply to the Court to alter such order by striking out such condition, and the Court may alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but the Court may decline to act under this provision in any case in which it appears to the Court that for any special reason such a condition is necessary or expedient. R.S.O. 1897, c. 71, s. 13.

Imp. Act 40  
and 41 V. c.  
8, s. 15.  
1

#### COURT MAY AUTHORIZE MORTGAGES OR SALES OF SETTLED ESTATES.

Powers of  
Court.

**14.—(1)** The Court, if it deems it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act, may

Mortgages  
for pur-  
pose of  
repairs, etc.

(a) from time to time authorize a mortgage of the whole or any part of any settled estate for the purpose of raising money to repair, rebuild or alter any existing building upon the estate, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrance thereon;

Sales of set-  
tled estates  
and of tim-  
ber.  
Imp. Act 40-  
41 V. c. 18,  
s. 16.

(b) from time to time authorize a sale of the whole or any part of any settled estate or of any easement, right or privilege, of any kind over or in relation to the same, or of any timber not being ornamental timber growing on the settled estate;

Proceedings  
for protec-  
tion of  
estate.  
Imp. Act 45-  
46 V. c. 38,  
s. 36.

(c) sanction any action, defence, petition to the Legislature or other proceeding appearing to the Court necessary for the protection of any settled estate, and order that all or any part of the costs and expenses in relation thereto be raised and paid by

by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any money, or investment representing money, liable to be laid out in the purchase of land to be settled in the same manner as the settled estate, or out of the income of such money or investment, or out of any accumulations of rents, profits or income. R.S.O. 1897, c. 71, ss. 14, 15 and 16, *parts, amended*.

(2) Such mortgage shall be authorized wherever the Court <sup>When mortgages authorized.</sup> is of opinion that the interests of the estate or any part thereof or of the persons entitled to the estate or any part thereof require, or will be substantially promoted by such mortgage.

(3) Every such sale shall be conducted and confirmed in <sup>How sales conducted.</sup> the same manner as by the Rules and practice of the Court is required in the sale of land under an order of the Court. R.S.O. 1897, c. 71, ss. 14, 15 and 16, *parts, amended*.

**15.** Where land is sold for building purposes the Court <sup>Consideration for land sold for building may be a rental.</sup> may allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the Court approves. R.S.O. 1897, c. 71, s. 17. <sup>Imp. Act 40-41 V. c. 18, s. 18.</sup>

**16.** On any sale of land, any earth, coal, stone or mineral <sup>Minerals, etc., may be excepted from sales.</sup> may be excepted, and any rights or privileges may be reserved and the purchaser may be required to enter into any covenants or submit to any restrictions which the Court deems <sup>Imp. Act 40-41 V. c. 18, s. 19.</sup> advisable. R.S.O. 1897, c. 71, s. 18.

#### DEDICATION AND MAINTENANCE OF STREETS, ROADS, ETC.

**17.**—(1) The Court if it deems it proper and consistent <sup>Dedications for streets, etc.</sup> with a due regard for the interests of all persons entitled under the settlement, and subject to the provisions and restrictions of this Act, may from time to time direct that any part of any settled estate be laid out for streets, roads, paths, squares, gardens, or other open spaces, or for sewers, drains, or watercourses, either to be dedicated to the public or not, and may direct that the parts so laid out shall, subject to the provisions of this Act, remain vested in the trustees of the settlement, or be conveyed to, or vested in any other trustees upon such trusts for securing the continued appropriation thereof to such purposes in all respects, and with such provisions for the appointment of new trustees when required, as the Court deems advisable. R.S.O. 1897, c. 71, s. 19, *part*. <sup>Imp. Act 40-41 V. c. 18, s. 20.</sup>

How provision made for laying out streets, etc.  
Imp. Act 40-41 V. c. 18, s. 21.

(2) Where any part of any settled estate is directed to be laid out for such purposes, the Court may direct that open spaces, sewers, drains, or watercourses, including all necessary and proper fences, pavings, connections and other works incidental thereto, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution, be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate or any part thereof, or out of any money, or investments representing money liable to be laid out in the purchase of land to be settled in the same manner as the settled estate, or out of the income of such money or investments, or out of any accumulations of rents, profits, or income; and the Court may also give such directions as it deems advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period as the Court deems advisable.

3 Geo. V. c. 1 Geo. V. c. 28.  
10 Edw. VII. c. 60.  
2 Geo. V. c. 43.

(3) The powers hereby granted shall be exercised subject to the provisions of *The Municipal Act, The Land Titles Act, The Registry Act and The City and Suburbs Plans Act*. R.S.O. 1897, c. 71, ss. 19, *part*, and 20, *amended*.

#### HOW SALES, MORTGAGES AND DEDICATIONS ARE TO BE EFFECTED UNDER THE DIRECTIONS OF THE COURT.

Directions as to execution of deeds.  
Imp. Act 40-41 V. c. 18, s. 22.

**18.** On every sale, mortgage or dedication made under the authority of this Act the Court may direct what person shall execute the deed of conveyance or mortgage, and the deed or mortgage executed by such person shall take effect as if the settlement had contained a power enabling such person to effect such sale, mortgage or dedication, and so as to operate if necessary by way of revocation and appointment of the use or otherwise as the Court directs. R.S.O. 1897, c. 71, s. 21.

Who may apply for exercise of powers conferred by this Act.  
Imp. Act 40-41 V. c. 18, s. 23.

**19.**—(1) Any of the persons authorized by section 33, to make a demise of a settled estate, and any person entitled to the possession or to the receipt of the rents and profits of a settled estate for any greater estate than the estate mentioned in that section, and the assigns of any such person may apply to the Court to exercise the powers conferred by this Act. R.S.O. 1897, c. 71, s. 22. *Amended*:

(2) Where two or more persons are entitled as tenants in common, joint tenants or co-parceners, any or either of them may make the application. *New.*

**20.**—(1) Subject to the exceptions hereinafter mentioned every application to the Court under this Act shall be made with the concurrence or consent of the following persons: With whose consent such application to be made. Imp. Act 40-41 V. c. 18, s. 24.

(a) Where there is a tenant in tail under the settlement in existence and of full age, the persons to concur or consent shall be such tenant in tail, or if there is more than one such tenant in tail, then the first of such tenants in tail, and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant in tail; and

(b) In every other case the persons to concur or consent shall be all those in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child. R.S.O. 1897, c. 71, s. 23.

*[Section 24 omitted as being covered by section 35.]*

(2) Where the concurrence or consent of any person mentioned in subsection 1, has not been obtained, notice shall be given to such person in such manner as the Court directs, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the Court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. Notice to persons who do not consent to, or concur in, the application. Imp. Act 40-41 V. c. 18, s. 26.

(3) If no notification is delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the Court. R.S.O. 1897, c. 71, s. 25.

(4) Where the concurrence or consent of any such person has not been obtained, and if such person cannot be found, or if it is uncertain whether he is living or dead, or if it appears to the Court that such notice cannot be given to him without expense, disproportionate to the value of the subject matter When Court may dispense with notice. Imp. Act 40-41 V. c. 18, s. 27.

matter of the application, the Court if it thinks fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the Court. R.S.O. 1897, c. 71, s. 26.

When Court may dispense with consent.

(5) An order may be made notwithstanding that the concurrence or consent of any such person has not been obtained or has been refused, but the Court, in considering the application, shall have regard to the number of persons who concur in or consent to the application and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the Court, and to the estates or interests which such persons respectively have or claim to have in the estate, and every order made upon such application shall have the same effect as if all such persons had been consenting parties thereto. R.S.O. 1897, c. 71, s. 27.

Imp. Act 40-41 V. c. 18 s. 28.

Petition may be granted without consent, saving rights of non-consenting parties. Imp. Act 40-41 V. c. 18, s. 29.

(6) The Court may give effect to any application subject to, and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted, or is not deemed to have submitted, his rights or interests to be dealt with by the Court, or whose rights, estate or interest ought in the opinion of the Court to be excepted. R.S.O. 1897, c. 71, s. 28.

Notice to trustees, etc. Imp. Act 40-41 V. c. 18, s. 30.

**21.** Notice of any application under this Act shall be served on all trustees who are seized or possessed of any estate in trust for any person whose consent to or concurrence in the application is hereby required, and on any other persons who in the opinion of the Court ought to be so served, unless the Court dispenses with such notice. R.S.O. 1897, c. 71, s. 29.

When notice of application to be given in the newspapers.

Imp. Act 40-41 V. c. 18 s. 31.

**22.** Notice of any application, if the Court so directs but not otherwise, shall be published in such newspapers as the Court directs, and any person whether interested in the estate or not, may be heard in opposition to or in support of the application; and the Court may permit such person to appear and be heard in opposition to or in support of the application on such terms as to costs or otherwise, and in such manner as it thinks fit. R.S.O. 1897, c. 71, s. 30.

Where a similar application has been rejected by the Legislature.

Imp. Act 40-41 V. c. 18, s. 32.

**23.** The Court shall not grant an application where the applicant, or any person entitled, has previously applied to this Legislature for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or reported against by the judges to whom the bill was referred. R.S.O. 1897, c. 71, s. 31.

[Section 32 omitted as unnecessary.]



## APPLICATION OF MONEYS ARISING FROM SALES, ETC.

**24.** All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals, may, if the Court thinks fit, be paid to any trustees of whom it shall approve, otherwise the same shall be paid into Court to the credit of the matter of this Act, and the estate (*shortly describing the same*); and such money shall be applied, as the Court shall from time to time direct, to one or more of the following purposes:—

- (a) The payment of any costs which the Court orders to be paid; or Payment and application of moneys arising from sales or set aside out of rent, etc., reserved on mining leases. Imp. Act 40-41 V. c. 18, s. 34.
- (b) The discharge of any incumbrance affecting the land in respect of which such money was paid, or affecting any other land subject to the same uses or trusts; or Incumbrances.
- (c) The purchase of other land to be settled in the same manner as the land in respect of which the money was paid; or Purchases.
- (d) The payment of the expenses connected with any buildings, repairs, rebuilding, alterations or improvements authorized to be made upon the settled estate; or Expenses of improvements.
- (e) The payment to any person becoming absolutely entitled. R.S.O. 1897, c. 71, s. 33. Person entitled.

**25.** The application of the money if the Court so directs may be made by the trustees to whom the Court has authorized the same to be paid, without any application to the Court or upon an order of the Court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land. R.S.O. 1897, c. 71, s. 34. Trustees may apply moneys in certain cases without application to Court. Imp. Act 40-41 V. c. 18, s. 35.

**26.** Until the money can be so applied, the interest accruing thereon shall be paid, as the Court directs to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land. R.S.O. 1897, c. 71, s. 35. Orders of Court conclusive. Imp. Act 40-41 V. c. 18, s. 36.

Application of money in respect of leases or reversions.

Imp. Act 40-41 V. c. 18, s. 37.

**27.** Where any purchase money paid into Court or to trustees under the provisions of this Act has been paid in respect of a lease for a life or lives or years, or for a life or lives and years, or any estate in land less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the Court may on the petition of any person interested in such money order that the interest which shall accrue thereon be paid in such manner as the Court considers will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money has been paid, or as near thereto as may be. R.S.O. 1897, c. 71, s. 36.

COURT MAY EXERCISE POWERS REPEATEDLY, BUT MAY NOT EXERCISE THEM IF EXPRESSLY NEGATIVED.

Court may exercise powers repeatedly. Imp. Act 40-41 V. c. 18, s. 38.

**28.**—(1) The Court may exercise any of the powers conferred on it by this Act, whether the Court shall have already exercised any of such powers in respect of the same property or not; but no such powers shall be exercised if any express declaration that they shall not be exercised is contained in the settlement.

Notwithstanding express powers.

(2) The circumstance that the settlement contains powers to effect similar purposes shall not preclude the Court from exercising any of the powers conferred by this Act, if it thinks that the powers contained in the settlement ought to be extended. R.S.O. 1897, c. 71, s. 37.

Extent of powers.

Imp. Act 40-41 V. c. 18, s. 39.

**29.** Nothing in this Act shall empower the Court to authorize any lease, mortgage, sale, or other act beyond the extent to which, in the opinion of the Court, the same might have been authorized in and by the settlement by the settlor. R.S.O. 1897, c. 71, s. 38.

ACTS AND ORDERS OF COURT CONCLUSIVE.

Validity of Acts.

Imp. Act 40-41 V. c. 18, s. 40; 44-45 V. c. 41, s. 70. 57-58 V. c. 56 Sched.

**30.** After the completion of any lease, mortgage, or sale, or other act under the authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the Court was not empowered to authorize the same. R.S.O. 1897, c. 71, s. 39.

Orders of Court conclusive.

**31.**—(1) An order of the Court under jurisdiction conferred by this Act, shall not, as against a lessee, mortgagee or purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service, whether he had or had not notice of any such want.

(2) This section shall have effect with respect to any lease, mortgage, sale or other act, under the authority of the Court, and purporting to be in pursuance of this Act, or to be in pursuance of any former Act, notwithstanding any exception in such former Act. R.S.O. 1897, c. 71, s. 40. *Amended.*

#### COSTS.

**32.** The Court may order that any costs or expenses of any persons of and incident to any application under this Act, shall be a charge on the land which is the subject of the application, or on any other land included in the same settlement and subject to the same limitations, or may direct the same to be paid out of the corpus or income of any fund realized by the sale, mortgage or lease of such estate under the provisions of this Act, and the Court may also direct that such costs and expenses to be taxed and paid as the Court directs shall be raised by a sale or mortgage of a sufficient part of such land, or out of the rents or profits thereof. R.S.O. 1897, c. 71, s. 41.

#### LEASES BY TENANTS FOR LIFE, ETC.

**33.—**(1) The following persons, unless the settlement contains an express declaration that it shall not be lawful for them to make the demise, may from time to time and without any application to the Court, except as hereinafter mentioned demise the settled estate or any part thereof for any term not exceeding 21 years to take effect in possession at or within one year next after the making thereof:

- (a) A person entitled to the possession or to the receipt of the rents and profits of any settled estate for an estate for life or for a term of years determinable with any life or lives or for any greater estate, not holding merely under a lease at a rent.
- (b) A tenant in tail including a tenant in tail who by statute restrained from barring or defeating his entail and although the reversion is in the Crown and so that the exercise by him of his powers under this Act shall bind the Crown, but not including such a tenant in tail where the land in respect of which he is so restrained was purchased with money provided by any legislation in consideration of public services.

In fee  
simple.

- (c) A tenant in fee simple with an executory limitation, gift or disposition over on failure of his issue or in any other event.

Holder of  
base fee.

- (d) A person entitled to a base fee although the reversion is in the Crown and so that the exercise by him of his powers under this Act shall bind the Crown.

Tenant  
for years.

- (e) A tenant for years determinable on life not holding merely under a lease at a rent.

Pur autre  
vie.

- (f) A tenant for the life of another not holding merely under a lease at rent.

For life,  
defeasible.

- (g) A tenant for his own or any other life or for years determinable on life whose estate is liable to cease in any event during that life whether by expiration of the estate or by conditional limitation or otherwise or to be defeated by an executory limitation, gift or disposition over or is subject to a trust for accumulation of income for payment of debts or any other purpose.

Tenant  
in tail.

- (h) A tenant in tail after possibility of issue extinct.

Person  
entitled to  
income.

- (i) A person entitled to the income of land under a trust or direction for payment thereof to him during his own or any other life whether subject to expenses of management or not or until sale of the land or until forfeiture of his interest therein or bankruptcy or other event.

Curtesy  
and dower.

- (2) The powers conferred by the next preceding subsection may be exercised by a person entitled to the possession or to the receipt of the rents and profits of unsettled land as tenant by the curtesy or tenant in dower.

Additional  
powers.

- (3) Any of the persons empowered by subsections 1 and 2 to make a demise may also make:

In pur-  
suance of  
contract.

- (a) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which, if made by the predecessor, would have been binding on the successors in title; and

In pur-  
suance of  
covenant  
for renewal.

- (b) A lease for giving effect to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled estate; and

(c)

- (c) A lease for confirming, as far as may be, a pre-<sup>For con-</sup>vious lease, being void or voidable; but so that firmation. every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted under this Act, or otherwise as the case may require.

(4) Where two or more persons are under the same settle-<sup>Joint</sup>ment or otherwise entitled in possession to concurrent action. estates for life, or are concurrently entitled to the possession or receipts of the rents and profits as in subsection 1 mentioned, they shall, for the purposes of this section, act concurrently.

(5) Every demise made under this section shall be by <sup>Form of</sup> deed in duplicate, and for the best rent that can reasonably lease. be obtained, which rent shall be incident to the immediate reversion, and shall be made payable half yearly or oftener.

(6) Such demise shall not be made without impeachment <sup>Conditions.</sup> of waste and shall not authorize the cutting of any timber or felling of any trees except in the ordinary course of husbandry, and shall contain a covenant for payment of the rent and such other usual and proper covenants as the lessor shall think fit, and shall be subject to the statutory right of re-entry for non-payment of rent contained in *The Landlord and Tenant Act*. R.S.O., 1897, c. 71, s. 42. *Amended.*

**34.**—(1) Every demise of a settled estate authorized by <sup>Against</sup> the next preceding section shall be valid against the person <sup>whom</sup> granting the same, and all other persons entitled to estates <sup>leases shall</sup> subsequent to his estate under or by virtue of the same <sup>be valid.</sup> <sup>Imp. Act</sup> <sup>40-41 V. c. 18,</sup> <sup>s. 47.</sup> settlement.

(2) Every demise of unsettled land by a tenant by the <sup>Idem.</sup> curtesy or by a tenant in dower shall be valid against the person granting the same, and all other persons entitled to an estate subsequent to the estate of such tenant. R.S.O. 1897, c. 71, s. 43. *Amended.*

#### PROVISIONS AS TO APPLICATIONS, CONSENTS, ETC.

**35.** All powers given by this Act, and all applications to <sup>Provisions</sup> the Court under this Act, and consents to and notifications <sup>as to infants,</sup> respecting them may be executed, made, or given by, and <sup>lunatics, etc.</sup> all notices under this Act may be given to committees on <sup>Imp. Act,</sup> behalf of lunatics, and by or to trustees or assignees of the <sup>40-41 V. c. 18,</sup> property of bankrupts, debtors in liquidation or insolvents; <sup>s. 49.</sup> and the Official Guardian, or any other guardian *ad litem* may

may consent to, and give notifications respecting such applications, and give all notices under this Act on behalf of any infant or person of unsound mind not so found; but in the case of infants or lunatics, or persons of unsound mind not so found, all consents to or notification or notices respecting any application so given by any committee or official guardian or other guardian *ad litem* shall be subject to the approbation of the Court. R.S.O. 1897, c. 71, s. 44.

Application by or consent of married women.

Imp. Act, 40-41 V. c. 18

s. 52.

No obligation to make or consent to application.

Imp. Act, 40-41 V. c. 18,

s. 53.

Tenants for life, etc., to be deemed entitled notwithstanding incumbrances.

Imp. Act, 40-41 V. c. 18, s. 54.

**36.** A married woman may make or consent to or oppose any application whether she is or is not of full age. R.S.O. 1897, c. 71, s. 45.

**37.** Nothing in this Act shall impose any obligation on any person to make or consent to any application to the Court or to exercise any power. R.S.O. 1897, c. 71, s. 46.

**38.** A person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of an estate although his estate may be charged or encumbered either by himself or by the settlor, or otherwise, to any extent; but the estates or interests of the persons entitled to the charge or encumbrance shall not be affected by the acts of such person unless they concur therein. R.S.O. 1897, c. 71, s. 47.

*Section 48 omitted as being spent.*

Powers conferred by other Acts.

**39.** Nothing in this Act shall interfere with the exercise of any powers to authorize or grant leases conferred by any other Statute. R.S.O. 1897, c. 71, s. 49.

Repeal.

**40.** Chapter 71 of the Revised Statutes of Ontario, 1897, is repealed.

## CHAPTER 21.

## An Act to amend The Coroners' Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 3 and 4 of *The Coroners' Act* are repealed and the following respectively substituted therefor:—

<sup>1</sup> Geo. V.  
c. 23, ss. 3, 4,  
repealed.

## GENERALLY.

- 3.—(1) The Lieutenant-Governor in Council may ap-  
point one or more Coroners for the whole or any  
part of every county, city, town, provisional  
judicial district and provisional county.

Appointment of  
Coroners  
generally.

- (2) This section shall not apply to the Cities of To-  
ronto or Hamilton.

Not to apply  
to Toronto  
or Hamil-  
ton.

SPECIAL PROVISION AS TO THE CITIES OF TORONTO AND  
HAMILTON.

- 4.—(1) The Lieutenant-Governor in Council may ap-  
point a Coroner to be called the Chief Coroner  
for the City of Toronto and a Coroner to be  
called the Chief Coroner for the City of Hamil-  
ton and such number of Associate Coroners in  
each city as may be deemed proper.

Chief  
Coroners  
for To-  
ronto and  
Hamilton.

- (2) An Associate Coroner, subject to such regulations  
as the Lieutenant-Governor in Council may pre-  
scribe, shall perform all the duties and exercise  
all the powers of a Coroner.

Associate  
Coroners.

- (3) Except the Chief Coroner, every Coroner and As-  
sociate Coroner appointed for the County of  
York, including the City of Toronto, and for the  
County of Wentworth, including the City of  
Hamilton, shall have, exercise and perform  
within the City of Toronto and within the City

As-  
Coroners  
appointed  
for To-  
ronto and  
York and  
Hamilton  
and Went-  
worth.

of



of Hamilton respectively only such powers and duties as are assigned by the regulations to an Associate Coroner.

Salary of  
Chief  
Coroner.

- (4) The Chief Coroner for the City of Toronto shall be paid in lieu of all fees by the Corporation of the City half-yearly, such salary, not exceeding \$1,500 per annum, and the Chief Coroner of the City of Hamilton shall be paid in lieu of all fees by the Corporation of the City half-yearly such salary not exceeding \$1,000 per annum, as may be fixed by the Lieutenant-Governor in Council, and the said Corporations shall be respectively reimbursed out of The Consolidated Revenue Fund to the extent of one-half such respective salaries.

1 Geo. V.,  
c. 23, s. 25.

2. *The Coroners' Act* is amended by adding thereto the following section:—

Power of  
Coroner to  
take charge  
of wreckage.

- 11a.—(1) Where a Coroner has ordered an inquest upon the body of a man who has met death by violence in the wreck of a building, bridge, structure, embankment or railway train, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing such wreckage until the jury at the inquest has viewed the same, or the coroner, where there is no jury, has made such examination as he deems necessary.

Special  
constables.

- (2) The Coroner shall have power to swear in such special constables as may be necessary for such purposes.

View by  
Jury or  
Coroner.

- (3) The Jury or Coroner as the case may be shall view such wreckage at the earliest moment possible.

3. Section 25 of *The Coroners' Act* is amended by adding the following as subsection 4:—

1 Geo. V.  
c. 23, s. 25,  
amended.  
Subsec. 3  
added.

- (4) On the recommendation of the Attorney-General an additional allowance may be made to a coroner holding an inquest where in the opinion of the Attorney-General such fees are an insufficient remuneration, having regard to the difficulties of travelling and other special circumstances.

Additional  
allowance to  
coroners in  
Provisional  
Judicial  
Districts.

## CHAPTER 22.

An Act to amend The Act to Create the Territorial and Provisional Judicial District of Temiskaming.

*Assented to 6th May, 1913.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Act passed in the second year of His Majesty's <sup>2 Geo. V.</sup> reign, and chaptered 21, is amended by adding thereto the <sup>c. 21,</sup> amended. following section:—

24.—(1) Any Order in Council passed or proclamation issued under sections 9 or 14 of this Act may apply to the whole or any part or parts, or section or sections of this Act, and Orders in Council may be passed and proclamations issued at different periods as to any part or parts, or section or sections of this Act, bringing such part or parts, or section or sections into force at different times. Proclamation may be issued at different times.

(2) Subsection 1 of this section shall be deemed to have been in force since the 16th day of April, 1912. Section in force since 16th April, 1912.

**2.** Section 15 of the said Act is amended by adding thereto the following subsection:— 2 Geo. V. c. 21, s. 15, amended.

(3) Where from a large number of entries relating to lands in the District of Temiskaming contained in any register, the Master of Titles deems it more convenient to enter into a new register the subsisting entries of titles of lands and of mortgages of lands which are situated in Sudbury or North Bay, he may direct the Local Master to re-enter the same in a new register, and in every such case the new register shall be retained at the old office, and the present register delivered to the Local Master of the District of Temiskaming. Entry of lands in new land titles register.

## CHAPTER 23.

An Act respecting the Partition and Sale of  
Real Estate.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	What to pass to purchaser, s. 7. (2).
INTERPRETATION, "Land," s. 2.	Compensation to owners of particular estates, s. 7. (3).
JURISDICTION of the High Court, s. 3.	DOWER, compensation in case of inchoate right, s. 8.
WHO COMPELLABLE TO MAKE PARTITION, s. 4.	EFFECT OF PARTITION OR SALE UPON PERSONS UNDER DIS- ABILITY, s. 9.
WHO MAY TAKE PROCEEDINGS FOR PARTITION, s. 5 (1)	TRANSFER TO SUPREME COURT OF MONEY AND SECURITIES, s. 10
When proceedings may be commenced, s. 5 (2).	Repeal, saving clause as to proceedings under former enactments, s. 11.
GUARDIAN, APPOINTMENT OF, IN CERTAIN CASES, s. 6. (1).	
Powers of guardian, s. 6. (2).	
Powers of Court, s. 6. (3).	
SALES, WHAT ESTATES MAY BE INCLUDED IN, s. 7.	

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title. **1.** This Act may be cited as *The Partition Act*. R.S.O.  
1897, c. 123, s. 1

Interpre- **2.** In this Act,  
tation.  
Court. "Court" shall mean the High Court Division of the  
Supreme Court.

"Land." "Land" shall include lands, tenements, and heredita-  
ments, and all estates and interests therein. R.S.O. 1897, c.  
123, s. 2, *part*.

Jurisdiction **3.** In regard to the partition and sale of estates of joint-  
of High tenants, tenants in common and co-parceners, the High Court  
Court. Division in addition to the powers hereinafter conferred,  
shall possess the same jurisdiction as by the laws of England  
on the 10th of August, 1850, was possessed by the Court of  
Chancery in England, and also as by the laws in force in  
Ontario, was possessed by the Courts of King's Bench and  
Common Pleas. R.S.O. 1897, c. 123, s. 3.

[Section 4 of the present Statute is omitted as unneces-  
sary.]

## RIGHT TO PARTITION.

4. All joint tenants, tenants in common, and co-parceners, <sup>All parties having interest or lien may be compelled to make partition or sale.</sup> all dowresses, and parties entitled to dower, tenants by the curtesy, mortgagees or other creditors having liens on, and all parties interested in, to or out of, any land in Ontario, may be compelled to make or suffer partition or sale of the land, or any part thereof, whether the estate is legal and equitable or equitable only. R.S.O. 1897, c 123, s. 5.

[Sections 6 and 7 are omitted as unnecessary.]

5.—(1) Any person interested in land in Ontario, or the guardian appointed by a Surrogate Court of an infant <sup>Who may take proceedings for partition.</sup> entitled to the immediate possession of any estate therein, may take proceedings for the partition of such land or for the sale thereof under the directions of the Court or of a Judge thereof if such sale is considered by the Court or Judge to be more advantageous to the parties interested.

(2) No such proceedings shall be taken until one year next <sup>When proceedings may be commenced.</sup> after the decease of the testator or person dying intestate in whom the land was vested. R.S.O. 1897, c. 123, s 8, redrafted.

[Sections 9 to 15 are omitted as unnecessary.]

6.—(1) If any person interested in the land has not <sup>Appointment of guardian to estate of person unheard of for three years.</sup> been heard of for three years or upwards, and it is uncertain whether such person is living or dead, the Court or Judge upon the application of anyone interested in the land may, on such terms and conditions as he may deem proper, appoint a guardian to take charge of the interest of such person and of those who, in the event of his being dead, are entitled to his share or interest in the land. R.S.O. 1897, c. 123, s. 16 and s. 17, *part*.

(2) The guardian shall, in the proceedings, represent such <sup>Powers of such guardian.</sup> absent person and those who, should he be dead, are entitled to his share or interest in the land, and whether they or any of them are infants or otherwise under disability; and his acts in relation to such share or interest shall be binding on such absent person and all others claiming or entitled to claim under or through him, and shall be as valid as if done by him or them. R.S.O. 1897, c. 123, s. 18.

(3) The Court upon proof of such absence of such person <sup>Power of the Court to deal with the estate.</sup> as affords reasonable ground for believing such person to be dead, upon the application of the guardian, or any one interested in the estate represented by the guardian may deal with

the

the estate or interest of such person, or the proceeds thereof, and may order payment of the proceeds, or the income or produce thereof, to the person who, in the event of such absent person being dead, appears to be entitled to the same. R.S.O. 1897, c. 123, s. 19.

[Sections 20 to 48 omitted as unnecessary.]

#### SALES.

Sale may include estate of tenant in dower, by the curtesy or for life.

7.—(1) In any action or proceeding for partition or administration, or in any action or proceeding in which a sale of land in lieu of partition is ordered, and in which the estate of any tenant in dower or tenant by the curtesy or for life is established, if the person entitled to the estate is a party the Court or Judge shall determine whether the estate ought to be exempted from the sale, or whether the same should be sold; and in making such determination regard shall be had to the interests of all the parties.

What to pass to purchaser.

(2) If a sale is ordered including such estate, all the estate and interest of every such tenant shall pass thereby; and no conveyance or release to the purchaser shall be required from such tenant; and the purchaser, his heirs and assigns, shall hold the premises freed and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share, or to the whole or any part of the premises sold.

Compensation to owners of particular estates.

(3) The Court or Judge may direct the payment of such sum in gross out of the purchase money to the person entitled to dower or estate by the curtesy or for life, as may be deemed, upon the principles applicable to life annuities, a reasonable satisfaction for such estate; or may direct the payment to the person entitled of an annual sum, or of the income or interest to be derived from the purchase money or any part thereof, as may seem just, and for that purpose may make such order for the investment or other disposition of the purchase money or any part thereof as may be necessary. R.S.O. 1897, c. 123, s. 49.

Determining value of claim to inchoate right of dower.

8. Where a married woman is a party to such action or proceeding in respect to an inchoate right of dower, the Court shall, in case of sale, determine the value of such right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid; or shall order the payment to such married woman of an annual sum, or of such income or interest as is provided in the preceding section and such payment shall be a bar to any right or claim of dower. R.S.O. 1897, c. 123, s. 50.

[Section 51 omitted as unnecessary.]

**9.** A partition or sale made by the Court shall be as effectual for the apportioning or conveying away of the estate or interest of any married woman, infant or lunatic, party to the proceedings by which the sale or partition is made or declared, as of a person competent to act for himself. R.S.O. 1897, c 123, s. 52.

Estate of married women, etc., to be bound.

*[Sections 53 to 67 and 70 omitted as unnecessary.]*

TRANSFER TO SUPREME COURT OF MONEY AND SECURITIES IN HANDS OF REAL REPRESENTATIVE.

**10.**—(1) All money and all securities for money and investments paid to or taken by the real representative in the course of any proceeding under the authority of any former Act now in, or which shall hereafter come into the hands of such real representative shall be paid and transmitted by him without delay to the Accountant of the Supreme Court, together with an office copy of the order for partition or sale and report under which such money or securities have been paid or taken.

Transmission of money by real representative.

(2) Such money shall be dealt with by the Accountant in the same manner as it would be dealt with if it had been paid into Court in a matter originally brought and carried on in the Supreme Court.

Duty of Accountant.

(3) All securities for money and investments so transmitted to the Accountant shall without any formal or other transfer be vested in the Accountant and shall be dealt with by him in the same manner as they would be dealt with if taken in a proceeding originally brought and carried on in the Supreme Court. *New. See R.S.O. 1897, c. 123, ss. 68, 69.*

Vesting.

**11.** Chapter 123 of the Revised Statutes of Ontario, 1897, is repealed, but, subject to the next preceding section all proceedings heretofore commenced under that Act, or under any Act for which the same was substituted, for the partition or sale of land, shall be carried on and completed and the land and the proceeds thereof shall be dealt with in all respects as if this Act had not been passed.

Repeal—saving clause.

## CHAPTER 24.

## An Act to amend The Registry Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**     **1.** This Act may be cited as *The Registry Act Amendment Act, 1913.*

10 Edw. VII.  
c. 60, s. 4,  
repealed.

**2.** Section 4 of *The Registry Act* is repealed and the following substituted therefor:—

Lands  
patented  
since 31st  
December,  
1887.

4.—(1) No instrument affecting land in a Provisional Judicial District which has been granted by the Government of Ontario by Letters Patent or by order of the Lieutenant-Governor in Council since the 31st December, 1887, other than lands mentioned in subsection 2 of section 159 of *The Land Titles Act*, or which shall hereafter be so patented or granted, shall be registered under this Act.

1 Geo. V.  
c. 28.

Saving as  
to lands  
heretofore  
registered.

(2) The registration in the Registry Office of any such District of any lands so patented or granted before the passing of this Act is declared to be valid and effectual and instruments affecting such lands, patents for which have been already registered may continue to be registered under this Act.

Claim to  
unpatented  
lands.

(3) A person claiming an interest in unpatented lands in any such District may as heretofore lodge with the local Master of Titles a caution under section 81 of *The Land Titles Act* subject to the provisions of that section.

1 Geo. V.  
c. 28.



3. Subsection 2 of Section 18 of *The Registry Act* is amended by striking out the words, "and the Provisional Judicial District of Kenora," added to the said subsection by section 1, of the Act passed in the 2nd year of His Majesty's reign, chaptered 23, and by inserting in lieu thereof the words "the County of Waterloo, the County of Leeds, the County of Frontenac and the City of Kingston, and in the Provisional Judicial Districts."

10 Edw.  
VII. c. 60,  
s. 18, sub-  
sec. 2,  
amended.

4. Section 23 of *The Registry Act* is amended by adding the following as subsections 4a and 4b:

10 Edw.  
VII. c. 60,  
s. 23,  
amended.

(4a.) Except in the case of the Registrar of West Toronto, the Registrar shall also keep a by-law book in which shall be entered the registration number of every money by-law, the number of the by-law and its title, and name of the municipality, the amount of the debt, the rate of interest and the period for which the debentures are to run, and where the rates are to be levied on part only of the rateable property in the municipality, that fact shall be stated.

By-law  
book to be  
kept to re-  
cord money  
by-laws.

(4b.) No entry in respect of the by-law shall be made in the General Register. 3 Edw. VII. c. 19, s. 396 (2).

No entry in  
General  
Register  
necessary.

5. Subsection 4 of section 44 of the said Act is amended by striking out the words "the Provincial Secretary" in the fourth line, and substituting therefor the words, "any Department of the Government," and by striking out the words "Provincial Secretary, or his Deputy or Assistant" in the sixth and seventh lines and substituting therefor the words "proper officer of that Department."

10 Edw.  
VII. c. 60,  
s. 44 (4),  
amended.  
Registra-  
tion of  
powers of  
Attorney  
deposited  
in an office  
of a depart-  
ment of the  
Govern-  
ment.

6. Section 69 of the said Act is amended by adding the following as subsections (4) and (5):

10 Edw.  
VII. c. 60,  
s. 69,  
amended.

(4) A money by-law of a municipal corporation shall be authenticated for registration by the production of a duplicate original or a copy of the by-law certified under the seal of the corporation and the signature of the head thereof, or of the person presiding at the meeting at which the by-law has been passed, and that of the clerk of the corporation. 3 Edw. VII. c. 19, s. 396 (3).

Certifying  
money by-  
law for  
registration.

(5) The by-law or copy so certified shall be open to public inspection and examination at all reasonable times and hours upon payment of the proper fees. 3 Edw. VII. c. 19, s. 396 (4).

To be open  
to public  
inspection.

10 Edw.  
VII. c. 60,  
s. 80 (18),  
amended.

**7.** Subsection 18 of section 80 of the said Act is amended by adding thereto the following words: "but this subsection shall not apply to cases submitted to The Ontario Railway and Municipal Board under the provisions of *The City and Suburbs Plans Act* for the approval of the said Board."

10 Edw.  
VII. c. 60,  
s. 85 (1),  
amended.

**8.**—(1) Subsection 1 of section 85 of the said Act is amended by striking out the words "at the instance of the person registering the same or his assigns," in the fifth and sixth lines thereof.

10 Edw.  
VII. c. 60,  
s. 85 (2, 3),  
repealed.

(2) Subsections 2 and 3 of the said section 85 are repealed and the following substituted therefor:—

Application  
for filing  
plan may  
be made  
by owner  
for the  
time being.

(2) Any such application may be made, either by the person filing the plan or by the owner for the time being of any of the land covered thereby.

Appeal.

(3) An appeal shall lie from any such order to a Divisional Court of the Appellate Division of the Supreme Court.

Consent of  
owner to  
alteration  
or closing  
of road.

(4) No part of a road, street, lane or alley upon which any lot of land sold abuts, or which connects any such lot with or affords access therefrom to the nearest public highway, shall be altered or closed up without the consent of the owner of such lot; but nothing herein shall interfere with the powers of municipal corporations with reference to highways.

Powers of  
municipal  
corporation  
not to be  
interfered  
with.

10 Edw.  
VII. c. 60,  
s. 91,  
amended.

**9.** Section 91 of the said Act is amended by adding after clause (h) the following clauses as clauses (h (1) ) and (h (2) ).

Fees for  
registering  
money by-  
law.

(h (1) ) For registering each duplicate original certified copy of a money by-law ..... \$2.00

Fees for  
searches,  
etc.

(h (2) ) For making search for the same or inspection and examination of entries connected therewith, ..... \$0.50.

3 Edw. VII. c. 19, s. 396 (5).

10 Edw.  
VII. c. 60,  
s. 95 (3),  
amended.

**10.**—(1) Subsection 3 of section 99 of the said Act is amended by adding after clause (a) the following as clause (a 1).

Instruments  
securing  
corporation  
debentures,  
etc.

(a 1) Which are given to secure the bonds or debentures of a corporation.

(2)

(2) The said section is further amended by inserting <sup>Exception</sup> after the word "mortgages" in clause (f), the words "ex-<sup>to cl. (f)</sup><sub>of s. 99.</sub>cept those mentioned in clause (a1)."

**11.** The said Act is amended by adding thereto the following section:— S. 108 (a)  
added.

108. (a) The Registrar and Local Master of Titles for the District of Thunder Bay shall pay to the Treasurer of the Province of his net income from the combined offices of each year over \$1,500, the following percentages:—

(a) On the excess over \$1,500 up to \$2,000, 10%.

(b) On the excess over \$2,000 up to \$2,500, 20%.

(c) On the excess over \$2,500 up to \$3,000, 30%.

(d) On the excess over \$3,000 up to \$6,000, 50%.

(e) On the excess over \$6,000, 90%.

## CHAPTER 25.

An Act to amend The Land Titles and Registry Acts and to establish the Land Titles and Registry Divisions of Fort William.

*Assented to 6th May, 1913.*

Part 1 of  
Sched. A,  
Registry  
Act,  
amended.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part 2 of  
Sched. A,  
amended.

**1.** Part 1 of Schedule A of *The Registry Act* is amended by adding the words "excepting the Electoral District of Fort William" immediately after the words "Thunder Bay."

Formation  
of new  
Land Titles  
Division.

**2.** Part 2 of the said Schedule is amended by adding the figures and words "59a The Electoral District of Fort William constitutes a Registry Division."

Certain  
sections of  
2 Geo. V.,  
chap. 21,  
made ap-  
plicable.

**3.** The Electoral District of Fort William is hereby separated from the Provisional Judicial District of Thunder Bay for the purposes of *The Land Titles Act*, and shall form a separate Land Titles Division.

Office of  
L. T. and  
R. O. at  
Fort  
William.

**4.** Sections 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the Act passed in the second year of His Majesty and chaptered 21, are *mutatis mutandis* and so far as the same are applicable incorporated with and made part of this Act.

Local  
Master  
and Regis-  
trar may be  
appointed.

**5.** The office of Land Titles and Registry Office for the Electoral District of Fort William shall be situated at the City of Fort William.

Appointment  
of Local  
Master and  
Registrar.

**6.** The Lieutenant-Governor in Council may at any time after the passing of this Act appoint a Local Master of Titles for the said Electoral District of Fort William and may also appoint the same person or a different person Registrar of Deeds therefor.

7. The Lieutenant-Governor in Council may at any time <sup>Lieut.-Gov-  
ernor in</sup> after the passing hereof make such regulations as he may <sup>Council may</sup> deem necessary to carry the provisions of this Act into <sup>make regu-  
lations.</sup> effect.

8. Sections 4, 6 and 7 of this Act shall go into force on <sup>Proclama-  
tion.</sup> the passing hereof, but sections 1, 2, 3 and 5 shall not come into force until a day or days to be named by the Lieutenant-Governor by his proclamation.

## CHAPTER 26.

An Act for protecting the Public Interest in  
Rivers, Streams and Creeks, and respecting  
Dams and other Works thereon.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title.      **1.** This Act may be cited as *The Rivers and Streams Act*.  
*New.*

Interpreta-      **2.** In this Act,—  
tion.

“Regula-      (a) “Regulations” shall mean regulations made by the  
tions.”      Lieutenant-Governor in Council under the au-  
thority of this Act;

“River.”      (b) “River” shall include creek and stream; .

“Timber.”      (c) “Timber” shall include saw logs and timber of  
every kind and masts, staves, deals, boards and  
other sawed or manufactured lumber. *New.*

PUBLIC RIGHTS IN RIVERS.

All persons      **3.**—(1) All persons shall have the right to and may, sub-  
entitled to      ject to the provisions of this Act, during the spring, summer  
use rivers      and autumn freshets, float and transmit timber, rafts and  
for floating      crafts down all rivers.  
down tim-  
ber, etc.

Rivers not      (2) No person shall by felling trees or placing any other  
to be      obstruction in or across any river, prevent the passage of  
obstructed.      timber, rafts or crafts.

Right to      (3) If it is necessary to remove any obstruction from  
remove      such river, or to construct any dam, apron, slide, gate, lock,  
obstructions      boom, or other work therein or thereon in order to facilitate  
and to      the  
construct      works.

the floating and transmitting of timber, rafts or crafts, down the river, the person requiring so to float and transmit the same may remove such obstruction, and may construct such dam, apron, slide, gate, lock, boom or other work, doing no unnecessary damage to the river or to its banks. R.S.O. 1897, c. 142, s. 1.

(4) All persons driving timber, rafts or crafts, down a river, shall have the right to go along the banks of the river, for the purpose of assisting and to assist the passage of the timber, rafts or crafts by all means usual with lumbermen, doing no unnecessary damage to the banks of the river. R.S.O. 1897, c. 142, s. 21.

All persons driving timber, etc., to have the right to go on river banks.

4. Where there is a convenient apron, slide, gate, lock, or opening in any dam or other structure, in or upon the bed of or across a river for the passage of timber, rafts and crafts authorized to be floated down the river no person using the river in manner and for the purposes mentioned in section 3, shall alter, injure or destroy such dam or other structure or do any unnecessary damage to it or to the banks of the river. R.S.O. 1897, c. 142, s. 2.

Persons using rivers not to injure dams, etc.

#### OBSTRUCTIONS IN RIVERS.

5.—(1) Every person who cuts and fells, and the employer of every person, who cuts and fells any tree into any river down which timber is usually floated or transmitted, or upon such parts of the banks of it as are usually overflowed in the spring, summer or autumn by the rising of the water without lopping off the branches of such tree and cutting up the trunk into lengths of not more than eighteen feet, before the tree is allowed to be floated or cast into the river, shall for every such offence incur a penalty not exceeding \$10.

Conditions on which timber may be cut on the banks of rivers and floated thereon.

Penalty.

(2) Subsection 1 shall not apply to timber prepared for transportation to market. R.S.O. 1897, c. 142, s. 3, *amended*.

Exception.

6.—(1) No person shall throw, and no owner or occupier of a mill shall suffer or permit to be thrown, into any river, slabs, bark, waste stuff or other refuse of any saw-mill, except saw dust, or stumps, roots, shrubs, tan-bark or waste wood, or leached ashes; and no person shall fell or cause to be felled, into or across such river, any timber or tree, and allow it to remain in or across such river.

Trees, slabs, etc., not to be thrown into rivers.

(2) For every contravention of subsection 1, the person offending shall incur a penalty not exceeding \$20 and not less than twenty cents for each day during which the obstruction

Penalty.



struction continues, over and above all damages arising therefrom.

Damages may be assessed.

(3) Where damage to private property is caused by a contravention of this Act, the damages may, at the request of the person aggrieved, be assessed by the convicting Magistrate and included in the conviction, when such damages, together with the penalty imposed, do not exceed \$20.

Damages to be paid to person aggrieved.

(4) Where damages are so assessed the same shall be paid to the person aggrieved. R.S.O. 1897, c. 142, ss. 4, 10, *amended*.

Exception.

(5) This section shall not apply to the River St. Lawrence or the River Ottawa. R.S.O. 1897, c. 142, s. 4.

As to obstructions not wilful.

(6) No such obstruction happening without the wilful default of the person by whom it is caused, or in the *bona fide* exercise of his rights, shall subject him to the penalty unless he makes default in removing the obstruction after notice and reasonable time afforded for that purpose. R.S.O. 1897, c. 142, s. 7.

Section 6 not to extend to dams, weirs or trees used as bridges.

7. Section 6 shall not apply to a dam, weir or bridge erected in, across or over a river, or to anything done *bona fide* in or for erecting the same, or to any tree cut down or felled across such river, for the purpose of being used as a bridge from one side of it to the other if such dam, weir, bridge or tree does not impede the flow of water or the passing of timber, rafts and crafts. R.S.O. 1897, c. 142, s. 5.

#### REMOVAL OF ROCKS, ETC., BY MINISTER OF PUBLIC WORKS.

Removal of rocks, etc., in rivers by order of Minister of Public Works.

8.—(1) Subject to compensation being made as provided by *The Ontario Public Works Act*, the Minister of Public Works may authorize any engineer, agent, workman or servant employed by or under him, to enter into and upon any land, and remove any work in any river, to whomsoever belonging, other than to Canada, the removal of which in the judgment of the Minister is necessary or expedient in the public interests and the provisions of that Act shall apply to the powers conferred by this section. 2 Edw. VII. c. 20, s. 3.

Act not to apply to land of Canada, etc

(2) Nothing in this section shall apply to any land, or to any obstruction on any land, belonging to Canada, or to any work or materials ordered or approved by the Lieutenant-Governor in Council, or where municipal authority exists to remove the obstruction. 2 Edw. VII. c. 20, s. 2.

(3)

(3) In this section, "work" shall mean and include any rocks, stones, gravel, slab or timber jam, dam, or part of any dam, rubbish of any kind, or other obstruction. 2 Edw. VII. c. 20, s. 1. Meaning of "Work."

#### TOLLS.

9. A person who has constructed in or upon a river, which was not navigable or floatable before the same were constructed, any dam, apron, slide, gate, lock, boom or other work necessary to facilitate the floating or transmission of timber, rafts and crafts down such river, or blasts rocks or removes shoals or other impediments from, or otherwise improves the floatability of the river, shall not have the exclusive right to the use of the river, or to the works or improvements, but all persons, subject to the payment to the person who constructed the works or made the improvements of reasonable tolls, shall have the right during the spring, summer and autumn freshets, to float and transmit timber, rafts and crafts down such river and through and over such works and improvements, doing no unnecessary damage to them, or to the banks of the river. R.S.O. 1897, c. 142, s. 11. Right to use rivers on which improvements have been made for the purpose of floating down timber.

10. Sections 3 to 14 and all the rights conferred by them shall extend and apply to all works and improvements made, whether before or after the passing of this Act, on any river, whether the bed of the river, or the land through which it runs, has been granted by the Crown or not, and if granted by the Crown shall be binding upon the grantees, their heirs, executors, administrators and assigns. R.S.O. 1897, c. 142, ss. 12, 18. Act to apply whether land patented or not.

11.—(1) A Judge of the County or District Court of the county or district in which the works or improvements are situate shall, upon the application of the owner thereof, or of any person who desires to use the same, fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge, and may from time to time vary such amounts, except where the tolls are fixed by charter of incorporation of the Government of Canada, or by any Act of the Parliament of Canada, or of this Legislature. Judge of County or District Court may fix tolls.

(2) In fixing the tolls the Judge shall have regard to and take into consideration the original cost of the works and improvements, the amount required to maintain them and to cover interest upon the original cost, as well as such other matters as under all the circumstances may be deemed just and equitable. R.S.O. 1897, c. 142, s. 13. Basis on which tolls to be fixed.

12.—(1) Any person interested who is dissatisfied with the order of the Judge may within fifteen days from the date thereof Appeal to Divisional Court.

thereof appeal therefrom to a Divisional Court of the Appellate Division of the Supreme Court.

Practice and procedure on appeal.

(2) A Judge of a Divisional Court may fix and determine the time within which the appeal is to be set down to be heard, the security, if any, to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the appeal, and except in so far as any of such matters have not been otherwise fixed and determined, the practice and procedure relating to the appeal shall be that applicable to appeals from a County Court. R.S.O. 1897, c. 142, ss. 15, 17.

Persons making improvements to have lien for tolls.

**13.**—(1) A person entitled to tolls under this Act shall have a lien upon the timber passing through or over such works or improvements for the amount of the tolls, ranking next after the lien of the Crown for dues in respect of the timber.

Seizure of timber for tolls.

(2) If the tolls are not paid, any Justice of the Peace having jurisdiction within or adjoining the locality in which the works or improvements are situate, upon the oath of the owner of the works or improvements, or of his agent being made that the just tolls have not been paid, shall issue a warrant for the seizure of such timber, or so much of it as he may deem sufficient to satisfy the tolls.

Warrant to seize and proceedings thereon.

(3) The warrant may be directed to any constable, or to any person sworn as a special constable for that purpose, at the discretion of the Justice, and it shall authorize the person to whom it is directed, if the tolls are not paid within 14 days from the date of the warrant, to sell the timber subject to any lien of the Crown for dues, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner.

When warrant not to be issued.

(4) A warrant shall not be issued after the expiration of one month from the time of the passage of the timber through or over any of the works or improvements. R.S.O. 1897, c. 142, s. 19.

Person entitled to tolls may make rules regulating transmission of timber.

**14.** Every person entitled to tolls under this Act may make rules for regulating the safe and orderly transmission of timber, rafts and crafts, over or through the works or improvements; but no such rules shall have any force or effect until approved by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel any rules so made and approved, and from time to time

time approve of new rules which the person entitled to tolls may make. R.S.O. 1897, c. 142, s. 22.

**15.** Nothing in sections 3 to 14 shall affect the powers or rights of any company formed under *The Timber Slide Companies' Act*, or mill-dams, or the right to erect and maintain mill-dams on rivers; or any other law conferring rights in mill-dams. R.S.O. 1897, c. 142, s. 20.

Right of companies formed under certain Acts, etc., not affected.

#### SPECIAL PROVISIONS AS TO RIVER OTTAWA AND ITS TRIBUTARIES.

**16.**—(1) Where in an action or other proceeding, a person claims, and but for this section would be entitled to, an injunction against the owner or occupier of a saw-mill situate on or near the River Ottawa or any of its tributaries, for any injury or damage, direct or consequential, sustained by such person, or for any interference directly or indirectly with any rights of such person as riparian proprietor or otherwise, by reason or in consequence of the throwing or depositing of any sawdust or other mill refuse from the sawmill or from it and other saw mills into that river or its tributaries, the Court or Judge may refuse to grant an injunction if it is proved that having regard to all the circumstances, and taking into consideration the importance of the lumber trade to the locality in which the injury, damage or interference takes place, and the benefit and advantage, direct and consequential, which such trade confers on that locality and on the inhabitants of it, and weighing the same against the private injury, damage or interference complained of, it is on the whole proper and expedient not to grant the injunction, or the Court or Judge may:—

Right to injunction against owners of mills on the Ottawa waters restricted.

(a) grant an injunction to take effect after such lapse of time or upon such terms and conditions or subject to such limitations or restrictions as may be deemed proper.

Injunction may be granted on terms.

(b) in lieu of granting an injunction direct the person against whom the injunction is claimed to take such measures or perform such acts to prevent, avoid, lessen or diminish the injury, damage or interference complained of, as may be deemed proper.

Owner of sawmill may be required to avoid, lessen or diminish the injury.

(2) Nothing in subsection 1 shall affect any right of the person claiming the injunction to damages against the owner or occupier of the saw mill for any such injury, damage or interference.

Right to damages not affected.

Assessment  
of subse-  
quent dam-  
ages.

(3) Where damage from the same cause continues the person entitled to the damages may apply from time to time in the same action for the assessment of subsequent damages or for any other relief to which by subsequent events he may from time to time become entitled. R.S.O. 1897, c. 142, s. 23.

When sec-  
tion to  
apply.

(4) This section shall apply whether the injury, damage or interference is or is not a continuing one, and whether the person claiming the injunction is a plaintiff in the action or other proceeding, or is a defendant, proceeding by way of counter-claim.

Section not  
to apply  
where dam-  
ages not  
adequate  
compensa-  
tion.

(5) This section shall not apply where in the opinion of the Court or Judge the injury, damage or interference complained of is of such a nature that it cannot be adequately compensated for by the awarding of damages. R.S.O. 1897, c. 142, s. 24.

#### DAMS.

Regulations  
as to slides  
and aprons.

**17.—**(1) The Lieutenant-Governor in Council may make Regulations as to the description and dimensions of the aprons or slides which are to be provided for or in connection with dams by the owners and occupiers of them, and such other regulations as to the mode of constructing dams, the provisions to be made in or in connection with them for the passage of timber, rafts and crafts, and otherwise as he may deem necessary to prevent the reasonable use of the river for the passage of timber, rafts and crafts being impeded or interfered with.

Regulations  
may abro-  
gate or vary  
provisions  
of ss. 19  
to 23.

(2) The provisions of sections 19 to 23 as to the width of aprons and the mode of constructing them may be abrogated or varied by the Regulations. *New.*

Dams to be  
provided  
with slides  
or aprons  
for the  
passage of  
timber.

**18.** Where a dam is now or shall hereafter be erected on or across any river down which timber is usually brought such dam shall at all times be provided with a slide or apron for the passage of the timber, rafts and crafts, of such description and dimensions as shall be prescribed by the Regulations. *New.*

Description  
of apron to  
be pro-  
vided in the  
absence of  
Regulations.

**19.** Subject to sections 22 and 23, unless and until otherwise provided by the Regulations every such apron shall be not less than 18 feet wide by an inclined plane of 25 feet to a perpendicular of six feet, and so in proportion to the height where the width of the river will admit of it, and if the river or the dam is less than 15 feet wide, the whole dam

dam shall be aproned in like manner with the same inclined plane. R.S.O. 1897, c. 140, s. 3 (1), *part, amended.*

**20.** Every such apron shall be constructed on the main channel of the river, and its highest part shall be one foot below the level of the dam at the place where it joins the dam. R.S.O. 1897, c. 140, s. 10, *part.* Apron to be on main channel, etc.

**21.**—(1) Every such apron shall be so constructed and maintained as to afford depth of water sufficient to admit of the passage over it of such timber as is usually floated down the river on which the dam is erected. Apron to admit of timber passing.

(2) The owner or occupier of the dam may construct a waste-gate or put up brackets and slash boards in, upon and across the apron for the purpose of preventing the unnecessary waste of water, and may keep the waste-gate closed when no person is ready and requires to pass or float any timber rafts or crafts over the apron, and shall not be bound to remove the brackets or slash boards until the timber, rafts or crafts required to be passed or floated, are ready to pass and have for that purpose gained the main channel of the river. R.S.O. 1897, c. 140, ss. 4, 5. Waste-gates and brackets and slash boards may be used. When waste gate to be opened and brackets and slash boards to be removed.

**22.**—(1) On the River Moira and its tributaries the apron shall be at least 32 feet in width if the dam is of that or of a greater width, and if it is not then of the width of the dam and at least five feet in length for every one foot rise of the dam. Dams on River Moira and tributaries.

(2) The dam where the apron is constructed shall be at least two feet lower than the top of the dam at any other place, unless it occupies the whole width of the dam, but if the rise of the dam is less than four feet the height of it at the place where the apron is constructed shall not exceed one-half its height at any other place. R.S.O. 1897, c. 140, s. 9. Height of dam.

**23.** On the River Otonabee the apron shall not be less than 32 feet wide by an inclined plane of five feet to a perpendicular height of one foot, and so in proportion to the height of the dam, and side pieces at least one foot in height shall be fixed on the outside of the apron to confine the water and prevent the timber from falling off at the sides. R.S.O. 1897, c. 140, s. 13. Dams on River Otonabee.

**24.** The Lieutenant-Governor in Council may, as to any dam, reduce the width of the apron and the specifications as to the inclined plane prescribed by sections 19 to 23. R.S.O. 1897, c. 140, s. 3 (1), *part.* Lieutenant-Governor may reduce width of, and specifications as to, apron.



Penalty  
for not  
providing  
apron.

**25.**— (1) The owner and occupier of a dam who does not provide, maintain and keep in repair an apron thereto in accordance with the provisions of sections 19 to 23, or of the Regulations shall incur a penalty of \$20 for every day on which the default occurs or during which it continues. R.S.O. 1897, c. 140, s. 3, *part*; s. 7, 10, *part, amended*.

Where apron  
carried away  
penalty  
suspended.

(2) Where the apron is carried away, destroyed or damaged by flood or otherwise, the owner or occupier of the dam shall not be liable to the penalty provided by subsection 1, if the apron is repaired or reconstructed in conformity with this Act and the Regulations as soon as the state of the river safely permits. R.S.O. 1897, c. 140, s. 14.

Where com-  
pensation  
for flooding  
or injury by  
dam made  
before grant  
from the  
Crown no  
liability for  
continuance  
of the dam.

**26.** Where land is overflowed or otherwise injured by the maintenance of a dam which was erected before the land was granted by the Crown, and the grantee or any person under whom he derived title obtained a reduction in the price of the land on account of, or was otherwise indemnified for, its being overflowed or otherwise injured by the dam, no subsequent owner of the land shall be entitled to maintain an action against the owner or occupier of the dam for damages for any overflowing or injury to the land due to the continuance of the dam. R.S.O. 1897, c. 140, s. 15, *amended*.

#### REGULATION OF USE OF WATER.

Regulation  
of use of  
water by  
owners of  
power and  
persons  
floating  
timber.

**27.** Where a dam, weir or other structure or work for the creation, development or improvement of a water power on any river down which any timber is floated or for the utilization of such water power has been heretofore or shall hereafter be constructed, the Lieutenant-Governor in Council may make such regulations as he may deem expedient respecting the use of the river or of the waters of it, or of any water which is or is intended to be stored by means of any such dam, weir, structure or work, by the owners and occupiers of it, or of any work operated wholly or partly by the power so created, developed or improved and by persons using the river for the purpose of floating or transmitting timber. *New*.

#### REGULATIONS AS TO TRANSMISSION OF TIMBER, ETC.

Regulations  
as to trans-  
mission of  
timber.

**28.** The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the safe and orderly transmission of timber, rafts and crafts down rivers, and for preventing the use of the river for the purpose of navigation by vessels and boats being unnecessarily impeded or interfered with by the timber, rafts and crafts. *New*.



**29.** Regulations made by the Lieutenant-Governor in Council under the authority of this Act may:— in Regulations may prescribe penalties.

(a) Prescribe penalties for the contravention of them;

(b) Be general in their application or be applicable to any particular river or to any particular dam. May be general or applicable to particular river or dam.  
*New.*

#### RECOVERY OF PENALTIES.

**30.** The penalties imposed by or under the authority of this Act or of the Regulations shall be recoverable under *The Ontario Summary Convictions Act.* Recovery of penalties. *New.*

**31.** All Regulations made under the authority of this Act shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not in session within the first fifteen days after the opening of the next session thereafter. Regulations to be laid before Assembly.

#### REPEAL.

**32.** Chapter 140 and sections 3 to 16 of chapter 142 of the Revised Statutes of Ontario, 1897, chapter 30 of the Acts passed in the 59th year of the reign of Her late Majesty Queen Victoria, and chapter 20 of the Acts passed in the second year of the reign of His late Majesty King Edward the Seventh, are hereby repealed. Rev. Stat., c. 40, c. 142, ss. 3-16, 59 V., c. 30 and 2 Edw. VII., c. 20, repealed.

## CHAPTER 27.

## An Act for the Prevention of Frauds and Perjuries.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as "*The Statute of Frauds.*" R.S.O. 1897, c. 338, s. 1.

Estates or interests of freehold, etc., to be in writing or to have effect only as estates at will.

**2.**—(1) Every estate or interest of freehold and every uncertain interest of, in, to, or out of, any messuages, lands, tenements, or hereditaments shall be made or created by writing signed by the parties making or creating the same, or their agents thereunto lawfully authorized in writing, and if not so made or created shall have the force and effect of an estate at will only, and shall not be deemed or taken to have any other or greater force or effect.

Leases to be made by deed.

(2) All leases and terms of years of any messuages, lands, tenements or hereditaments shall be void at law unless made by deed. R.S.O. 1897, c. 338, s. 2. *See also 1 Geo. V. c. 25, s. 9, part.*

No leases, or estates of freehold, etc., to be granted or surrendered but by writing signed.  
1 Geo. V. c. 25.

**3.** Subject to section 9 of *The Conveyancing and Law of Property Act*, no lease; estate or interest, either of freehold, or term of years, or any uncertain interest, of, in, to, or out of, any messuages, lands, tenements, or hereditaments, shall be assigned, granted, or surrendered, unless it be by deed, or note in writing, signed by the party so assigning, granting, or surrendering, the same, or his agent thereunto lawfully authorized by writing or by act or operation of law. R.S.O. 1897, c. 338, s. 4. *Amended.*

Except leases not exceeding three years, etc.

**4.** Sections 2 and 3 shall not apply to a lease or an agreement for a lease not exceeding the term of three years from the making thereof, the rent upon which reserved to

the landlord during such term amounts unto two thirds at the least of the full improved value of the thing demised. R.S.O. 1897, c. 338, s. 3.

5. No action shall be brought whereby to charge any executor, or administrator, upon any special promise to answer damages out of his own estate, or whereby to charge any person upon any special promise to answer for the debt, default or miscarriage of any other person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing; and signed by the party to be charged therewith, or some person thereunto by him lawfully authorized. R.S.O. 1897, c. 338, s. 5.

No action against executors, etc., upon a special promise; or upon any agreement, or contract for sale of lands, etc., unless agreement, etc., be in writing and signed.

6. No special promise made by any person to answer for the debt, default or miscarriage of another person, being in writing and signed by the party to be charged therewith, or by some other person by him thereunto lawfully authorized, shall be deemed invalid to support an action or other proceeding to charge the person by whom the promise was made, by reason only that the consideration for the promise does not appear in writing, or by necessary inference from a written document. R.S.O. 1897, c. 146, s. 8.

Consideration for promise to answer for another need not be in writing.

7. No action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless the promise or ratification is made by some writing signed by the party to be charged therewith, or by his agent duly authorized to make the promise or ratification. R.S.O. 1897, c. 146, s. 6.

As to ratification of promise made during non-age.

8. No action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain money, goods or credit thereupon, unless the representation or assurance is made in writing signed by the party to be charged therewith. R.S.O. 1897, c. 146, s. 7.

As to representation regarding the character, credit, etc., of a third party.

Declar-  
ations or  
creations  
of trusts  
of land to  
be in writ-  
ing signed.

**9.** Subject to section 10, all declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect. R.S.O. 1897, c. 338, s. 6.

Proviso for  
trusts aris-  
ing trans-  
ferred, or  
extinguish-  
ed by im-  
plication of  
law.

**10.** Where any conveyance is made of any lands or tenements, by which a trust or confidence shall or may arise or result, by the implication or construction of law, or be transferred or extinguished, by act or operation of law, then and in every such case, such trust or confidence shall be of the like force and effect as the same would have been if this Act had not been passed. R.S.O. 1897, c. 338, s. 7.

Assign-  
ments of  
trusts shall  
be in writ-  
ing.

**11.** All grants and assignments of any trust or confidence shall likewise be in writing signed by the party granting or assigning the same, or by such last will or devise, or else shall likewise be utterly void and of none effect. R.S.O. 1897, c. 338, s. 8.

*[First part of section 9 of R.S.O. 1897, c. 338, placed in The Execution Act; the latter part and section 10 omitted as covered by the Devolution of Estates Act, 10 Edw. VII. c. 56.]*

*[Section 11 of R.S.O. 1897, c. 338, omitted as covered by the Execution Act, 9 Edw. VII. c. 47, s. 9.]*

In what  
cases only  
contracts  
for sales  
of goods  
for \$40 or  
more to be  
binding.

**12.** No contract for the sale of any goods, wares, or merchandise, for the price of forty dollars, or upwards, shall be allowed to be good, unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized, and notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of the contract be actually made, procured or provided, or fit or ready for delivery, or although some act may be requisite for the making or completing thereof, or rendering the same fit for delivery. R.S.O. 1897, c. 146, s. 9, *part*; R.S.O. 1897, c. 338, s. 12.

Rev. Stat.,  
c. 338 and  
c. 146, ss. 6-9,  
repealed.

**13.** Chapter 338 and sections 6, 7, 8 and 9 of Chapter 146 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 28.

## An Act to amend The Marriage Act

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 17 of *The Marriage Act* is repealed and the following substituted therefor: 1 Geo. V.  
c. 32, s. 17,  
repealed.

17. If any issuer of marriage licenses issues a license for a marriage or if any minister, clergyman or other person solemnizes a marriage, knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is an idiot or insane or is under the influence of intoxicating liquor, he shall incur a penalty not exceeding \$500 and shall also be liable to imprisonment for any term not exceeding twelve months. Penalty for issuing license to or marrying intoxicated persons, idiots or insane.

17a. If any person who having been a minister, clergyman or other person having the right to solemnize marriage, has been deposed from his ministry, or deposed or removed from the office by virtue of which he was authorized to solemnize marriage, thereafter solemnizes or undertakes to solemnize any marriage, he shall incur a penalty of \$500 and shall also be liable to imprisonment for any term not exceeding twelve months. Penalty for solemnizing marriage after deposition.

**2.** Section 18 of *The Marriage Act* is amended by striking out all the words in Clause (c) of subsection 1 after the word "lies," in the seventh line of the said clause, and by inserting in the said section the following subsections: 1 Geo. V.  
c. 32, s. 18,  
amended.

Where  
neither  
party has  
resided in  
locality for  
fifteen days.

Affidavit of  
publication  
of notice.

When  
Registrar  
General  
may direct  
issue of  
license.

Other  
proofs not  
dispensed  
with.

Commence-  
ment of Act.

1a. If the city, county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode, the license or certificate may nevertheless be issued upon the production of an affidavit by one of the parties stating that notice of the intended marriage, stating the name, occupation, usual place of abode of each of the parties, has been published once a week for three successive weeks immediately preceding the application for the license or certificate in some newspaper published in the municipality in which the marriage is to take place, or if there is no such newspaper, then in a newspaper published in the nearest adjoining municipality, and accompanied by the production of the respective issues of such newspaper containing such notice.

1b. Upon an applicant for a license or certificate stating that he is unable to make the affidavit mentioned in the preceding subsection, and requesting the issuer or deputy issuer to report the circumstances of the case to the Registrar General, the issuer or deputy issuer shall do so, and the Registrar General, upon being satisfied that the reason for having the marriage solemnized in the place mentioned in the affidavit is not to evade due publicity or for any other improper purpose, may in writing authorize the issue of the license or certificate.

1c. Nothing in the two next preceding subsections shall dispense with the proofs required by subsection 1, except that of residence as set out in clause (c) of that subsection.

3. This Act shall come into force on the 15th day of May, 1913.

## CHAPTER 29.

An Act respecting the Property of  
Married Women*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

LIABILITIES OF MARRIED WOMEN,  
s. 3.RIGHT TO HOLD PROPERTY AND TO  
CONTRACT, ss. 4 8.EXECUTION OF GENERAL POWER, s.  
9.POWER OF COURT TO BIND INTER-  
EST OF MARRIED WOMAN, s. 10.DEPOSITS, STOCKS, ETC., STANDING  
IN NAME OF MARRIED WOMAN.  
ss. 11, 12.INVESTMENTS IN JOINT NAMES OF  
MARRIED WOMEN AND OTHERS,  
ss. 13, 14.FRAUDULENT INVESTMENTS WITH  
MONEY OF HUSBAND, s. 15.REMEDIES OF MARRIED WOMAN  
FOR PROTECTION OF SEPARATE  
PROPERTY, s. 16.ANTE-NUPTIAL DEBTS AND LIABI-  
LITIES, s. 17.LIABILITY OF HUSBAND FOR WIFE'S  
DEBTS, ETC., ss. 18, 19.QUESTIONS BETWEEN HUSBAND AND  
WIFE AS TO PROPERTY TO BE  
DECIDED IN A SUMMARY WAY,  
s. 20.SAVING AS TO EXISTING SETTLE-  
MENTS, s. 21.WHEN MARRIED WOMAN MAY OB-  
TAIN ORDER OF PROTECTION FOR  
EARNINGS OF HER MINOR CHILD-  
REN, s. 22.LEGAL REPRESENTATIVE OF MAR-  
RIED WOMAN, s. 23.RIGHTS PRIOR TO 47 V. c. 19, NOT  
AFFECTED, s. 24.

REPEAL, s. 25.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as *The Married Women's Prop- Short title.*  
*erty Act.* R.S.O. 1897, c. 163, s. 1.

2. In this Act,

Interpreta-  
tion.

(a) "Contract" shall include the acceptance of any "Contract."  
trust, or of the office of executrix or adminis-  
tratrix;

(b) "Property" shall include a thing in action. "Property."  
R.S.O. 1897, c. 163, s. 2, *part.*



**Liabilities.**

3. The provisions of this Act as to the liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by a married woman who is a trustee or executrix or administratrix, either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. R.S.O. 1897, c. 163, s. 2, *part*.

**Capacity of holding property as a feme sole.**

4.—(1) A married woman shall be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of a trustee.

**Power to contract.**

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise. R.S.O. 1897, c. 163, s. 3 (1), (2). *Amended*.

**Married woman as an executrix, administratrix or trustee.**

(3) A married woman, who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly, of property subject to any trust, may sue or be sued, without her husband, as if she were a *feme sole*. R.S.O. 1897, c. 163, s. 20. *Part*.

[See *The Married Women's Conveyances Act, 3-4 Geo. V. c. 29, s. 4 (1).*]

**Construction of contracts prior to 13th April, 1897.**

(4) Every contract entered into by a married woman, prior to the 13th day of April, 1897, shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary is shewn.

**To what extent binding.**

(5) Every contract entered into by a married woman prior to the said 13th day of April, 1897, with respect to and to bind her separate property, shall bind, not only the separate property which she was possessed of or entitled to at the date of the contract, but also all separate property which she has since acquired or may hereafter acquire. R.S.O. 1897, c. 163, s. 3 (3), (4).

**5.—**(1) Every contract entered into by a married woman on or after the 13th day of April, 1897, otherwise than as an agent:

Construction of contracts of married women on or after 13th April, 1897.

(a) shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she was or was not in fact possessed of or entitled to any separate property at the time when she entered into such contract;

Whether possessed or not of property when contract entered into.

(b) shall bind all separate property which she may at the time or thereafter possess or be entitled to;

To what extent binding.

(c) shall also be enforceable by process of law against all property which she may thereafter while discreetly possess or be entitled to.

Remedies.

(2) Nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which she is restrained from anticipating. R.S.O. 1897, c. 163, s. 4.

Except where restraint on anticipation exists. 56-57 V. (Imp.) c. 63, s. 1.

**6.—**(1) Every woman married on or before the 4th day of May, 1859, without any marriage contract or settlement, shall and may, from and after the said day, notwithstanding her coverture, have, hold and enjoy all her real estate not on or before the said 4th day of May taken possession of by her husband, by himself or his tenants, and all her personal property not on or before said day reduced into the possession of her husband, whether belonging to her before marriage or in any way acquired by her after marriage, free from his debts and obligations contracted after the said 4th day of May, and from his control or disposition without her consent in as full and ample a manner as if she were sole and unmarried.

Rights of a woman married on or before 4th May, 1859.

(2) Every woman married between the 5th day of May, 1859, and the 2nd day of March, 1872, both inclusive, without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her real property, whether belonging to her before marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and free from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried.

Rights of a woman married between 4th May, 1859, and 2nd March, 1872, as to realty

(3) This section shall not extend to any property received by a married woman from her husband during coverture.

Exception.

Rights of  
a woman  
married  
after 2nd  
March, 1872,  
as to realty.

(4) The real estate of any woman married after the 2nd day of March, 1872, whether owned by her at the time of her marriage, or acquired by her in any way after marriage, and the rents, issues and profits thereof respectively, shall, without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate therein of her husband during her lifetime, and from his debts and obligations, and from any claim or estate by him, as tenant by the curtesy; and her receipt alone shall be a discharge for any rents, issues and profits of the same; but nothing herein contained shall prejudice the right of the husband as tenant by the curtesy in any real estate of the wife which she has not disposed of *inter vivos*, or by will.

Curtesy.  
1 Geo. V. c.  
25. s. 24.

Rights of  
a woman  
married  
since 4th  
May, 1859,  
as to per-  
sonalty.

(5) Every woman married since the 4th day of May, 1859, without any marriage contract or settlement, shall and may, notwithstanding her coverture have, hold and enjoy all her personal property, whether belonging to her before marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and free from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried; but this subsection shall not extend to any property received by a married woman from her husband during coverture. R.S.O. 1897, c. 163, s. 5.

Proviso.

Earnings of  
married  
women.

7.—(1) Every married woman, whether married before or after the passing of this Act, shall have and hold as her separate property, and may dispose of as such, the wages, earnings, money and property, gained or acquired by her in any employment, trade or occupation in which she is engaged or which she carries on, and in which her husband has no proprietary interest, or gained or acquired by her by the exercise of any literary, artistic or scientific skill.

Rights of  
a woman  
married on  
or after 1st  
July, 1884.

(2) Every woman married on or after the first day of July, 1884, shall also be entitled to have and hold and to dispose of as her separate property all other real and personal property belonging to her at the time of marriage, or acquired by or devolving upon her after marriage. R.S.O. 1897, c. 163, s. 6.

Property  
acquired  
after 1st  
July, 1884,  
by a woman  
married  
before that  
date.

8. Every woman married before the first day of July, 1884, shall be entitled to have and hold and to dispose of in manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue on or after the said first day of July, including

any wages, earnings, money, and property so gained or acquired by her as aforesaid. R.S.O. 1897, c. 163, s. 7.

**9.** The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities, and such property may be seized and sold under an execution against her personal representative, after her separate property has been exhausted. R.S.O. 1897, c. 163, s. 8, *amended*, and see 1 Geo. V. c. 17, s. 34 (2).

Execution of general power.

**10.** Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property. R.S.O. 1897, c. 163, s. 9.

Power of court to bind interest of married woman. Imp. Act 44-45 V. c. 41, s. 39.

**11.** All deposits, all sums forming part of public stocks or funds, which on the first day of July, 1884, were standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial or otherwise, or of, or in, any industrial provident, friendly, benefit, building, or loan society, which, on the first day of July, 1884, were standing in her name, shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, sum forming part of public stocks or funds, or of any share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorize and empower her to receive or transfer the same, and to receive the dividends, interest, and profits thereof, without the concurrence of her husband, and to indemnify all public officers, and all directors, managers, and trustees of every such corporation, company, public body, or society as aforesaid, in respect thereof. R.S.O. 1897, c. 163, s. 10.

As to stock, etc., to which a married woman is entitled.

**12.—(1)** All such particulars mentioned in the preceding section which after the first day of July, 1884, were placed, or transferred in or into, or made to stand, in the sole name of any married woman shall be deemed, unless and until the contrary be shewn, to be her separate property, in respect of which, so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be so expressed in the document, whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded or not.

As to stock, etc., transferred, etc., to a married woman.

Subject to  
statutory or  
other pro-  
visions.

(2) Nothing in this Act shall require or authorize any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any statute, charter, by-law, articles of association, or deed of settlement regulating such corporation or company. R.S.O. 1897, c. 163, s. 11.

Investments  
in joint  
names of  
married  
women and  
others.

**13.** All the provisions hereinbefore contained as to such particulars mentioned in section 11, which on the first day of July, 1884, were standing in the sole name of a married woman, or which after that time have been or shall be placed or transferred to or into or made to stand in the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which were standing in, or which shall be placed, or transferred to or into, or made to stand in, the name of any married woman jointly with any person or persons other than her husband. R.S.O. 1897, c. 163, s. 12.

When  
husband's  
concurrence  
dispensed  
with.

**14.** It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such particulars named in section 11, which shall be standing in the sole name of any married woman, or in the name of such married woman jointly with any person not being her husband. R.S.O. 1897, c. 163, s. 13.

Fraudulent  
investments  
with money  
of husband.

**15.—(1)** If any investment in any of the particulars set forth in section 11 shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section 20 of this Act, order such investment, and the dividends thereof, or any part thereof, to be respectively transferred and paid to the husband.

Rights of  
creditors  
preserved.

(2) Nothing in this Act shall give validity as against creditors of the husband to any gift by a husband to his wife, of any property, in fraud of his creditors, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any property or moneys so deposited or invested may be followed as if this Act had not been passed. R.S.O. 1897, c. 163, s. 14.

Remedies  
of married  
women for  
protection  
and security  
of separate  
property.

**16.** Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property, as if such

property belonged to her as a *feme sole*, but except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. R.S.O. 1897, c. 163, s. 15, *part*.

Torts as between husband and wife.

**17.**—(1) A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs, and for all damages or costs recovered in respect thereof.

Wife's ante-nuptial debts, contracts and torts.

(2) Nothing in this Act shall operate to increase or diminish the liability of any woman married before the first day of July, 1884, for any such debt, contract or wrong. R.S.O. 1897, c. 163, s. 16.

Saving.

**18.**—(1) A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, and for wrongs committed by her after marriage, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been *bona fide* recovered against him in any legal proceeding, in respect of any such debts, contracts or wrongs, for or in respect of which his wife is liable; but he shall not be liable for the same any further or otherwise.

Liability of husband.

(2) The court in which a husband is sued for any such debt or liability may direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount or value of such property.

Court may direct inquiry.

(3) Nothing in this Act shall operate to increase or diminish the liability of any husband married before the first day of July, 1884, for or in respect of any such debt or other liability of his wife. R.S.O. 1897, c. 163, s. 17.

Saving.

**19.**—(1) A husband and wife may be jointly sued in respect of any such debt or other liability, whether for contract or for any wrong, contracted or incurred by the wife

Parties to actions.



if the plaintiff in the action seeks to establish his claim either wholly or in part, against both of them.

Husband's  
costs.

(2) If in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if sued jointly with him.

What judg-  
ment may  
be entered.

(3) In any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only. R.S.O. 1897, c. 163, s. 18.

Summary  
disposal of  
questions  
between  
husband  
and wife  
as to  
property

**20.**—(1) In any question between husband and wife as to the title to or possession of property, either party, or any corporation, company, public body, or society in whose books any stocks, funds or shares of either party are standing, may apply in a summary way, to a Judge of the High Court Division or at the option of the applicant, irrespectively of the value of the property in dispute, to the Judge of the County or District Court of the county or district in which either party resides, and the Judge may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit; or may direct such application to stand over from time to time, and any inquiry or issue touching the matters in question, to be made or tried in such manner as he shall think fit.

Appeal from  
Judge of  
High Court.

(2) An order of a Judge of the High Court Division, made under this section, shall be subject to appeal in the same way as an order made by the same Judge in an action in the said Court.

Appeal

(3) An order of a County or District Court, under this section, shall be subject to appeal in the same manner as any other order made by the same Court.

Removal of  
proceedings  
from County  
Court into  
High Court.

(4) All proceedings in a County or District Court, under this section, in which, by reason of the character or value of the property in dispute, such Court would not have had jurisdiction if this Act had not been passed, may, at the option



of the defendant or respondent be removed as of right into the High Court Division, but any order made or act done in the course of the proceedings, prior to the renewal, shall be valid, unless order is made to the contrary by the High Court Division.

(5) The Judge of the High Court Division, or County or District Court, if either party so request, may hear any such application in his private room.

(6) Any such corporation, company, public body, or society, shall, in the matter of any such application, for the purposes of costs or otherwise, be treated as a stakeholder only. R.S.O. 1897, c. 163, s. 19.

**21.** Nothing in this Act shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors. R.S.O. 1897, c. 163, s. 21.

**22.—(1)** Any married woman

(a) having a judgment for alimony;

(b) who lives apart from her husband, having been obliged to leave him from cruelty, or other cause which by law justifies her leaving him and renders him liable for her support;

(c) whose husband is a lunatic either with or without lucid intervals;

(d) whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence;

In what case a married woman may obtain an order of protection for the earnings of her minor children.

(e)

(e) whose husband from habitual drunkenness, profligacy, or other cause, neglects or refuses to provide for her support and that of his family;

(f) whose husband has never been in this Province; or

(g) who is deserted or abandoned by her husband,

Purport and effect of such order. may obtain an order of protection, entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or disposition, and without his consent, in as full and ample a manner as if she continued sole and unmarried.

How and by whom an order discharging protection may be obtained. (2) The married woman may at any time apply, or the husband or any of the husband's creditors may at any time, on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made the same may be registered or filed in the same manner as the original order.

By whom to be made in cities and towns. Registration. (3) Either order may issue in duplicate, and where the married woman resides in a city or town in which there is a Police Magistrate, the order of protection or any order discharging the same shall be made by the Police Magistrate, and shall be registered in the registry office of the registry division in which the city or town is situate.

By whom order made elsewhere than in city or town. (4) Where the married woman does not reside in a city or town in which there is a Police Magistrate, the order shall be made by the Judge or one of the Judges, or the acting or Deputy Judge of the Division Courts or a Division Court of the county or district in which the married woman resides; and instead of being registered, shall be filed for public inspection with the Clerk of the Division Court of the division within which the married woman resides.

Hearing may be public or private. (5) The hearing of an application for an order of protection, or for an order discharging the same may be public or private, at the discretion of the Judge or Police Magistrate.

Order not to have effect until registered or filed. (6) The order for protection shall have no effect until it is registered or filed, and the registrar or clerk shall immediately on receiving the order endorse thereon the day of registering or filing the same.

Operation of order. (7) The order discharging an order of protection shall not be retroactive.

(8) The order of protection shall protect the earnings of the minor children of the married woman until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy, to her separate use, whatever, during the interval between the registering or filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of her minor children. R.S.O. 1897, c. 163, s. 22. *Amended.*

From what time the order discharging protection shall take effect.

**23.** For the purposes of this Act the legal personal representative of any married woman shall, in respect of her separate estate, have the same rights and liabilities and be subject to the same jurisdiction as she would have had or been subject to if she were living. R.S.O. 1897, c. 163, s. 23.

Legal representative of married woman.

**24.** This Act shall not be construed to deprive a woman, married prior to the commencement of *The Married Women's Property Act, 1884*, of any right or privilege which she had at the time of the commencement of that Act, or would afterwards have had if that Act had not been passed. R.S.O. 47 v., c. 19. 1897, c. 163, s. 24.

Married women's rights prior to 1st July, 1884, not affected.

**25.** Chapter 163 of the Revised Statutes of Ontario, 1897, is repealed. Repeal.

## CHAPTER 30.

An Act to facilitate the Conveyance of Land  
by Married Women*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	Saving as to certain titles, s. 8 (2).
INTERPRETATION, s. 2.	CONVEYANCES MADE SINCE 29TH MARCH, 1873, s. 9.
POWER TO CONVEY REAL ESTATE, ETC., AS A FEME SOLE, s. 3.	ORDER DISPENSING WITH HUSBAND'S CONCURRENCE, ss. 10-16.
AS EXECUTRIX OR TRUSTEE, s. 4 (1).	When granted, s. 10.
Bare trustee, s. 4 (2).	Form of, s. 11.
BAR OF DOWER, ss. 5, 6.	Registration of, s. 12.
DEFECTIVE CONVEYANCES VALIDATED, s. 7 (1).	Description of property in, s. 13.
Certain titles not to be prejudiced, s. 7 (2).	Filing of papers, s. 14.
Absence of good faith, s. 7 (3).	Fees of judge, s. 15.
CONVEYANCES BY MARRIED WOMEN BEFORE 1ST JULY, 1884, s. 8 (1).	Fee for registration, s. 16.
	REPEAL, s. 17.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Married Women's Conveyances Act*. R.S.O. 1897, c. 165, s. 1. *Amended.*

Interpretation. **2.** In this Act

"Judge." (a) "Judge" shall mean a Judge of the High Court Division;

"Land." (b) "Land" shall mean and include land, chattels real, rents and hereditaments, whether corporeal or incorporeal, and any undivided share thereof; any estate, right or interest therein whether legal or equitable; any charge, lien or incumbrance in, upon, or affecting land, money subject to be invested in land; and any interest, charge, lien or incumbrance in, upon, or affecting such money as aforesaid. R.S.O. 1897, c. 165, s. 2.

3. Subject to the provisions of *The Land Titles Act*, every married woman, being of the full age of twenty-one years, may execute a certificate of discharge of mortgage of land, and may also, by deed, convey her land, and convey, release, surrender, disclaim, or extinguish any interest therein, and release or extinguish any power vested in, or limited or reserved to her in regard to land, and bar or release her dower, and any right or inchoate right of dower in any land, and appoint an attorney for such purposes or any of them as fully and effectually as she could do if she were a *feme sole*. R.S.O. 1897, c. 165, s. 3; 10 Edw. VII. c. 26, s. 10. *Amended.*

Married woman's power to convey real estate.

4.—(1) A married woman, who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly, of property subject to any trust, may transfer or join in transferring, any such particulars as are mentioned in section 11 of *The Married Women's Property Act*, without her husband, as if she were a *feme sole*. R.S.O. 1897, c. 163, s. 20, *part*.

Married woman as executrix or trustee.

[*See Married Women's Property Act, 3-4 Geo. V. c. 29, s. 4 (3).*]

(2) Where any freehold hereditament is vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a *feme sole*, and without her husband joining in the conveyance. 1 Geo. V. c. 17, s. 36.

Bare trustee.

5. Where a conveyance to a purchaser for value purporting to bar or release dower in any land was before the 5th day of May, 1894, executed by a wife entitled to an inchoate right of dower, and such wife was at the time of such execution under age, but the purchaser had at or before the execution of the conveyance and payment of the purchase money no notice that she was under age, the conveyance shall be effectual to bar her dower, unless prior to the 1st day of January, 1899, she had brought an action for dower, or had given to the owner of the land written notice of her claim to dower by reason of her minority; but nothing in this section shall affect any conveyance which prior to the 31st day of December, 1897, became valid under the Act passed in the fifty-ninth year of the reign of Her late Majesty Queen Victoria, intituled *An Act relating to Dower in Certain Cases*. R.S.O. 1897, c. 165, s. 4.

Wife purporting to bar dower prior to 5th May, 1894, when under age.

59 V. c. 40.

6. Subject to the provisions of *The Land Titles Act*, a married woman, under twenty-one years of age, of sound mind, might on and since the 5th day of May, 1894, have barred, dower

Married woman under twenty-one barring dower

barred, and hereafter may bar her dower in any land by joining with her husband in a deed or conveyance thereof to a purchaser for value, or to a mortgagee, in which deed or conveyance a release or bar of her dower is contained, and she may in like manner release her dower to any person to whom such land has been previously conveyed. R.S.O. 1897, c. 165, s. 5. *Amended.*

When defective conveyances to be valid.

7.—(1) Every conveyance before the 29th day of March, 1873, executed by a married woman of or affecting her land, to which her husband was a party, shall be deemed to have been valid and effectual to pass the estate which such conveyance purported to pass of such married woman in the land, notwithstanding

Absence of certificate.

(a) the absence or want of a certificate of her consent to convey the same;

Irregularity in certificate.

(b) any irregularity, informality, or defect in the certificate; and

Informal conveyance

(c) that such conveyance was not executed, acknowledged or certified as required by any Act at or before that date in force, or may not have been executed by the married woman in the presence of her husband, or on the same day on which or at the same place at which such conveyance was executed by her husband.

Saving as to subsequent conveyances properly executed.

(2) Nothing in this section shall render valid any conveyance to the prejudice of any title, subsequently to the execution of such conveyance and before the said date acquired from the married woman by deed executed and certified as by law required, unless the actual possession or enjoyment of the land conveyed or intended to be conveyed by the prior conveyance has been had at any time subsequent thereto by the grantee therein, or those claiming by, from or under him, and he or they have been in such actual possession or enjoyment, continuously for the period of three years before the said date, and he or they were at that date in the actual possession or enjoyment thereof.

Exception.

Absence of good faith.

(3) Nothing in this Act shall render valid any conveyance from the married woman which was not executed in good faith, or any conveyance of land of which the married woman or those claiming under her, is or are in the actual possession or enjoyment contrary to the terms of such conveyance. R.S.O. 1897, c. 165, s. 6.

Adverse possession.

8.—(1) Every conveyance before the 1st July, 1884, executed by a married woman of or affecting her land, shall, notwithstanding her husband did not join therein, be deemed to have been valid and effectual to pass the estate which such conveyance purported to pass, of such married woman in the land.

Conveyance by married women before 1st July, 1884.

(2) Nothing in this section shall render valid any such conveyance to the prejudice of any title subsequently to the execution of such conveyance and before the 7th day of April, 1896, acquired from the married woman by deed duly executed as by law required, unless the actual possession or enjoyment of the land conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein or those claiming by, from or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of three years before that date, and he or they was or were at such date in the actual possession or enjoyment thereof.

Saving as to titles acquired from married women subsequent to such conveyance.

Exception.

(3) Nothing in this section shall render valid any conveyance from the married woman which was not executed in good faith, or any conveyance of land of which the married woman or those claiming under her is or are in the actual possession or enjoyment contrary to the terms of such conveyance. 63 V. c. 17, s. 21. *Amended.*

Absence of good faith.

Adverse possession.

9.—(1) Every conveyance made on or after the 29th day of March, 1873, by a married woman of or affecting her land which was signed or executed by her husband, shall be deemed to be valid and effectual to pass the estate of such married woman in such land which such conveyance purports to pass.

Validity of conveyances made since March 29th, 1873.

(2) Nothing in this section shall render valid any conveyance to the prejudice of any title lawfully acquired from any married woman prior to the 23rd day of April, 1887, nor render valid any conveyance from the married woman not executed in good faith or any conveyance of any land, of which the married woman, or those claiming under her was or were on that day in actual possession or enjoyment contrary to the terms of such conveyance, or affect any action or proceeding then pending.

Certain titles not to be prejudiced.

(3) This section shall not be deemed to declare or imply any construction of any statute passed prior to the 23rd day of April, 1887, as affecting the matters mentioned in this section, or any other matters relating to the rights or powers of married women. R.S.O. 1897, c. 165, s. 8.

Construction of any earlier statute not affected.



When conveyance may be made free from curtesy.

**10.**—(1) Where a husband is entitled to tenancy by the curtesy in the land of his wife, and where a married woman is unable to give a valid deed of her land without her husband joining therein, if the husband is in consequence of being a lunatic, idiot, or of unsound mind and whether so found by inquisition or not, or is from any other cause incapable of executing a deed or conveyance or if his residence is not known, or he is in prison, or is living apart from his wife by mutual consent, or under circumstances which entitle her to alimony, or if he has deserted her, or if there is in the opinion of the Judge any other cause for so doing, a Judge may, by an order to be made by him in a summary way upon the application of the wife, upon such evidence as to him seems meet, and upon such notice to the husband as he deems requisite, dispense with the execution of the deed or conveyance by or concurrence of the husband therein in any deed or conveyance of the land of his wife and enable the wife effectually to convey such land without such execution by or concurrence of the husband, and free from any estate of the husband by the curtesy.

Mode of execution by wife.

(2) All acts or deeds done or executed by the wife, in pursuance of such order in regard to her land shall be done, executed, or made by her in the same manner, and with the same effect as if she were a *feme sole*, and when so done, executed, or made by her shall be as good, valid and effectual as they would have been if the husband had become a party to and executed the same.

When notice dispensed with.

(3) Where the residence of the husband is not known notice to him shall not be necessary.

Right of married women to convey real property not affected.

(4) Nothing in this section shall be construed as implying that a married woman may not, without and irrespective of the provisions of this section validly execute any deed, transfer or conveyance of her land, or of any right or interest therein, in all respects as if she were a *feme sole*. R.S.O. 1897, c. 165, s. 9.

Form of order.

**11.** The order may be in the form following:—

"THE MARRIED WOMAN'S CONVEYANCES ACT."

Upon application of *A. B.*, of *the wife of C. B.*,  
(or formerly of, etc.) *I*, *one of the Judges of the*  
High Court Division (or as the case may be), do, pur-  
suant to *The Married Woman's Conveyances Act*, order that the said  
*A. B.* may, in the same manner, and with the same effect, as if she  
were a *feme sole*, and free from any estate of her husband by the  
curtesy, grant, and convey all or any part of her estate, title and  
interest of, in, to or out of all and singular (*describe the premises*).

Dated this

day of

A.D.

(*Signature of Judge.*)

R.S.O. 1897, c. 165, s. 10. *Amended.*

**12.** The order may be in duplicate or in as many parts as <sup>Registra-</sup>  
are necessary, and shall be signed by the Judge, and may be <sup>tion.</sup>  
registered in the registry office of the registry division where-  
in the land to which the same relates is situate, upon its  
production and deposit, without any proof thereof, and  
either before or after the execution of the deed made in pur-  
suance of such order. R.S.O. 1897, c. 165, s. 11.

**13.** The order may be indorsed or written upon the deed <sup>Method.</sup>  
to which the same relates, in which case it shall be registered  
as part of the deed and the land to which the order relates  
may be described therein by reference to the description con-  
tained in the deed. R.S.O. 1897, c. 165, s. 12.

**14.** The affidavits and papers upon which the order is <sup>Filing of</sup>  
obtained shall be filed with the clerk in chambers and shall <sup>papers.</sup>  
be transmitted by him to the Central Office. R.S.O. 1897,  
c. 165, s. 13.

**15.** For every such order including every duplicate or <sup>Judge's fee</sup>  
other part thereof, the Judge shall be entitled for his own use <sup>for order.</sup>  
to a fee of \$2; but no other fee or charge shall be payable in  
respect thereof, except for filing the affidavits and papers  
for which the same fees shall be charged, payable in law  
stamps as are chargeable for filing papers in other matters.  
R.S.O. 1897, c. 165, s. 14.

**16.** For the registration of such order, except where it is <sup>Fee for</sup>  
written upon and registered as part of the deed, including all <sup>registration</sup>  
necessary entries and certificates, the registrar shall be en- <sup>of order.</sup>  
titled to a fee of \$1. R.S.O. 1897, c. 165, s. 15.

**17.** Chapter 165 of the Revised Statutes of Ontario, 1897, <sup>Repeal.</sup>  
section 21 of the Acts passed in the 63rd year of the reign  
of Her late Majesty Queen Victoria, chapter 17, section 10  
of the Acts passed in the 10th year of the reign of His late  
Majesty King Edward the Seventh, chaptered 26, and section  
36 of the Acts passed in the 1st year of His present Majesty's  
reign, chapter 17, are repealed.

## CHAPTER 31.

## An Act to amend The Law Society Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Geo. V.  
c. 26,  
amended.

**1.** *The Law Society Act* is amended by adding the following as section 49a:—

Rules as  
to county  
law libra-  
ries.

49a. The Benchers may make regulations for promoting the efficiency of County Law Libraries, and may prescribe and enforce remedies for the violation thereof, and may by resolution of Convocation cause to be dissolved any County Law Library Association which neglects or refuses to comply with such rules or regulations.

## CHAPTER 32.

## An Act to amend The Pharmacy Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Subsection 2 of section 12, of *The Pharmacy Act* is<sup>1 Geo. V. c. 40, amended.</sup> amended by striking out the figure “5,” in the second line thereof, and substituting therefor the figure “10.”

**2.** The clause lettered *b* in subsection 1 of section 14 of<sup>1 Geo. V. c. 40, s. 14, subs. 1, amended.</sup> the said Act is amended by adding to the end of the said clause the following words:—

“and such other subject or subjects as the Council may deem advisable from time to time.”

**3.** Subsection 1 of section 15 of the said Act is amended<sup>1 Geo. V. c. 40, amended.</sup> by inserting the words “the following subjects,” after the word “in,” in the seventh line thereof; and by striking out the words “English History,” in the eighth line, and inserting in lieu thereof the words “British and”; and by striking out the word “and,” in the eighth line, and inserting in lieu thereof the word “English”; and by striking out the word “and,” in the ninth line, and by adding after the word<sup>Subjects for preliminary examination.</sup> “Latin,” in the ninth line, the words “Authors and Latin Composition.”

**4.** Section 20 of the said Act is amended by striking out<sup>1 Geo. V. c. 40, amended.</sup> the figure “2,” in the second line thereof, and substituting therefor the figure “3.”

## CHAPTER 33.

## An Act to amend The Surveys Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Geo. V.,  
c. 42, s. 5,  
amended.

1. Section 5 of *The Surveys Act* is amended by adding the words "and rod man" after the word "chain-bearer," in the first and last lines.

1 Geo. V.,  
c. 42, s. 18,  
amended.

2. Section 18, of the said Act is amended by adding the following subsections:—

When lakes  
excluded  
from area  
of lot.

(2) Where in any survey of Crown lands made under the authority of the Minister any lot or other subdivision bordering upon a lake or river is given an acreage covering only the land area, such lot or other subdivision shall include the land area only, and not any land covered by the water of such lake or river.

Saving as  
to rights  
determined  
by Courts.

(3) Subsection 2 shall not affect the rights, if any, of any person where such rights have heretofore been determined by a Court of competent jurisdiction.

1 Geo. V.,  
c. 42, s. 27,  
subs. 2,  
amended.

3. Subsection 2 of section 27, of the said Act is amended by adding the words "concession in any" before the word "section," in the twenty-third line thereof.

## CHAPTER 34.

An Act respecting Joint Stock Companies for the  
Construction of Works to Facilitate the Trans-  
mission of Timber down Rivers and Streams.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as *The Timber Slide Companies* Short title.  
*Act.* R.S.O. 1897, c. 194, s. 1.

**2.** In this Act,—

Interpreta-  
tion.

“Minister” shall mean the Minister of Lands, Forests “Minister”  
and Mines.

[*Subsection 2 as enacted by 7 Edw. VII. c. 23, s. 20, omit-  
ted as covered by section 3 of this Act.*]

**3.** The Lieutenant-Governor in Council may confer the Powers to  
be granted  
to timber  
slide com-  
panies.  
powers authorized by this Act upon any company heretofore  
or hereafter incorporated, under *The Ontario Companies Act*  
or any Act for which the same was substituted, for the pur-  
pose of acquiring or constructing and maintaining any dam,  
slide, pier, boom or other work necessary to facilitate the  
transmission of timber down any river or stream in Ontario,  
or for the purpose of blasting rocks, or dredging or removing  
shoals or other impediments, or of otherwise improving the  
navigation of the river or stream for such purpose, and every  
such company shall thereupon become subject to all the pro-  
visions of this Act. R.S.O. 1897, c. 194, s. 2.

**4.** The letters patent incorporating a company for any of When letters  
patent may  
be issued.  
the purposes mentioned in section 3 shall not be issued  
until proof has been furnished that

(a) the proposed capital is sufficient to carry out the  
objects for which the company is to be incorpor-  
ated, that such capital has been subscribed or  
underwritten and that the applicants are likely  
to command public trust and confidence in the  
undertaking.

(b)

- (b) Notice of the application for the letters patent has been served upon all timber licensees and other persons known to be interested in the works proposed to be constructed. R.S.O. 1897, c. 194, s. 3. *Amended.*

Material  
to be  
transmitted  
by appli-  
cants.

5.—(1) The applicants for the letters patent shall, with their application, transmit to the Provincial Secretary the report provided for by section 6, and copies of the by-laws proposed to be passed for regulating the transmission of timber over or through the works of the company and the navigation therewith connected, and when the Provincial Secretary or other officer charged with the duty of reporting on the application certifies that the other requirements preliminary to the issue of the letters patent have been complied with, such report shall be transmitted to the Minister. R.S.O. 1897, c. 194, s. 4. *Amended.*

Letters Pat-  
ent not to  
issue until  
Minister  
certifies his  
approval.

(2) The letters patent shall not be issued until the Minister has certified to the Provincial Secretary that in his opinion it is proper that they should be issued. *New.*

Contents of  
report.

6. The report shall contain:

- (a) a detailed description of the works proposed to be undertaken and an estimate of their cost;
- (b) an estimate from the best available sources of the quantity of different kinds of timber expected to come down the river or stream yearly after the works have been completed; and
- (c) a schedule of the tolls proposed to be imposed. R.S.O. 1897, c. 194, s. 8.

Publication  
of schedule  
of tolls.

7. The schedule of tolls shall be published once a week for four successive weeks in a newspaper published in the county or district in which, or nearest to which, the works are to be situate. R.S.O. 1897, c. 194, s. 9. *Amended.*

Minister to  
consider and  
approve  
report be-  
fore issue of  
charter.

8. Thirty days after the first publication, the Minister shall consider the report, and if he approves of the issue of the letters patent he shall so report to the Lieutenant-Governor in Council, who may thereupon direct the issue of the letters patent. R.S.O. 1897, c. 194, s. 10.

Rate of  
dividend.

9. The Lieutenant-Governor in Council may, in the letters patent state a rate of dividend, not exceeding 12 per centum per annum, which the company shall be at liberty to pay to the shareholders, if the revenues of the company otherwise



otherwise justify such payment, and in such case the Minister shall, in considering the tolls to be allowed, have regard to such rate. R.S.O. 1897, c. 194, s. 5, *Amended*.

**10.** The existence of the company may be limited to a Limitation of company's existence. term of years, not exceeding twenty-one, to be fixed by the letters patent. R.S.O. 1897, c. 194, s. 6, *Amended*.

**11.** The company may make by-laws for regulating the By-laws to regulate transmission of timber. transmission of timber over or through the works of the company, and the navigation therewith connected. R.S.O. 1897, c. 194, s. 11.

**12.** The proposed by-laws with such variations as are Copies of proposed by-laws to be annexed to reports of company. made therein by the Minister before the issue of the letters patent, shall upon the issue of the letters patent, become the by-laws of the company without further action or adoption by the Company, and copies of all new by-laws, and of all amending by-laws, with reference to the subjects dealt with by the proposed by-law, shall be annexed to the annual reports required by section 20. R.S.O. 1897, c. 194, s. 12.

**13.** No new by-law, or amending by-law, shall have any When by-law to come in force. force until one month after it has been included in the report: but if at the end of one month the by-law has not been disallowed, as it may be by the Minister, it shall have full force and be binding upon the company using the works. R.S.O. 1897, c. 194, s. 13.

**14.** No such by-law shall impose any penalty for a con- Restrictions as to by-laws. travention thereof. R.S.O. 1897, c. 194, s. 14.

**15.** No company shall construct its works over or upon Company not to interfere with property without leave. or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner, or occupier thereof, or of the Crown, except as is in this Act provided. R.S.O. 1897, c. 194, s. 15.

**16.** The Minister shall not report in favour of the issue Consent to formation of company when required. of the letters patent incorporating a company to improve any river or stream, for the improvement of which any other company has been formed either under this Act, or any other Act of the Legislature, without the consent of such other company. R.S.O. 1897, c. 194, s. 16. *Redrafted*.

**17.** Upon the expiration of the period limited for the On expiration of company's existence, property to vest in the Crown. existence of the company, all the dams, slides, piers, booms and other works constructed by the company, for the transmission of timber down any river or stream, or for the improvement of the navigation of such river or stream, shall

become

become the property of His Majesty for the public uses of Ontario, and the company, or the shareholders thereof, shall have no right to compensation therefor. R.S.O. 1897, c. 194, s. 18.

Company's  
existence  
to continue  
for the pur-  
pose of wind-  
ing up.

**18.** Notwithstanding the expiration of the period limited for the existence of the company it shall continue to exist for the purpose of taking such proceedings as may be requisite for winding up and settling its affairs, and for getting in its assets, and distributing the same amongst its shareholders; and the company may, for those purposes, sue and be sued as if the period of its corporate existence had not expired; but after such period the words "in liquidation" shall be added to the name of the company, and shall be a part of such name. R.S.O. 1897, c. 194, s. 19.

Distribution  
of capital  
and profits.

**19.** No distribution of capital shall be made under the next preceding section until three years after the expiration of the period limited for the existence of the company, but this shall not prevent the distribution amongst the shareholders of the annual profits received from investments, and after such three years section 93 of *The Ontario Companies Act* shall not apply. R.S.O. 1897, c. 194, s. 20.

2 Geo. V.,  
c. 31.

Directors to  
report yearly  
to the  
Minister

**20.**—(1) The directors of the company incorporated shall, annually, in the month of January, make to the Minister a report, verified by the oath of the treasurer of the company, specifying—

Report to  
contain.

Cost of  
work.

(a) the cost of the works;

Money  
expended.

(b) the amount of all money expended;

Capital  
stock.

(c) the amount of the capital stock, and the amount paid in;

Tolls ex-  
pended on  
work.

(d) the whole amount of tolls expended on the works;

Tolls re-  
ceived.

(e) the amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber;

Dividends  
paid.

(f) the amount of dividends paid;

Expendi-  
ture for  
repairs.

(g) the amount expended for repairs;

Indebted-  
ness of  
company.

(h) the amount of the debts due by the company, stating the objects for which they were respectively incurred;

(i)

- (i) a detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the following year, together with an estimate of the cost thereof; and
- (j) a detailed description of any repairs or renewals that may require to be made after the 31st day of December in the year to which the report relates and before the time of fixing the tolls, together with an estimate of the cost thereof.

(2) If the repairs and renewals mentioned in clause (j) of subsection 1 are actually made before the settling of the tolls, the cost thereof may be taken into consideration in fixing such tolls, and such estimated cost shall be advertised along with the schedule of tolls as provided in section 7. R.S.O. 1897, c. 194, s. 21.

**21.** The company shall keep proper books of account containing full and true statements of the

(a) financial transactions of the company;

(b) assets of the company;

(c) sums received and expended by the company and the matters in respect of which the receipt or expenditure took place; and

(d) credits and liabilities of the company;

and such books shall be at all times open to the inspection and examination of any shareholder. R.S.O. 1897, c. 194, s. 22, *redrafted*. See 2 Geo. V. c. 31, s. 122.

**22.** The Minister may appoint a person to inspect and examine such books, and every person so appointed may take copies or extracts from them, and may require from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain whether the tolls are greater than are permitted by this Act to be imposed. R.S.O. 1897, c. 194, s. 23.

Rights of  
expropriation.

3-4 Geo. V.  
c. 36.

**23.** The company shall have the right to expropriate any land, right or easement requisite for the purpose of its undertaking, and except as herein otherwise expressly provided the provisions of *The Ontario Railway Act* as to making compensation to all persons interested and as to the mode of ascertaining the amount of compensation and the payment of it shall apply *mutatis mutandis*.

Arbitrators  
to consider  
advantages  
as well  
as disad-  
vantages.

**24.** In ascertaining the amount of the compensation, due regard shall be had to the benefits which will accrue to the person claiming compensation from the construction of the intended works. R.S.O. 1897, c. 194, s. 25.

If timber  
slides, etc.,  
erected by  
others be as-  
sumed by  
the company,  
how compen-  
sation to be  
made.

**25.**—(1) If there is already established by any person other than a company formed under this Act or any other Act of the Legislature, any slide, pier, boom, or other work intended to facilitate the passage of timber down any water, for the improvement of which a company is formed under this Act, such company may take possession of the works; and the owners thereof, or (if the works have been constructed on the property of the Crown) the persons at whose cost they have been constructed, shall be entitled to compensation for the value of the works, either in money or in stock of the company, at the option of the owner or the person at whose cost the works were constructed, and may become shareholders in the company for an amount equal to the value of the works (such value to be ascertained by arbitration as provided by *The Ontario Railway Act*): and all the provisions of that Act shall apply in the same manner and to the same extent as to lands expropriated by the company. R.S.O. 1897, c. 194, s. 34, *amended*.

3-4 Geo. V.  
c. 36.

Formalities  
to be ob-  
served by  
company  
acquiring  
existing  
works.

(2) Where the company purchases or takes possession of the works and does not make or construct any other works than those so acquired, the company shall furnish the Minister with the report mentioned in section 6. R.S.O. 1897, c. 194, s. 35.

Mill sites,  
etc., not to  
be taken  
without the  
consent of  
the owner

**26.**—(1) Nothing herein shall authorize a company formed under this Act to take possession of, or injure any mill site upon which there are existing mills or machinery, or hydraulic works other than those intended to facilitate the passage of timber; and no company formed under this Act shall commence any work which interferes with or endangers such occupied mill site, without the consent in writing of the owner, or unless it is determined by arbitration that the proposed works will not injure such mill site.

Consent  
or award  
to be  
registered.

(2) The consent or award shall be registered in the same manner as the instrument of incorporation of the company. R.S.O. 1897, c. 194, s. 36. *Amended*.

**27.** Where land which was sold after the construction of the works of the company is overflowed or injured by such works, and the purchaser obtained a reduction in the price of the land or was otherwise indemnified for the overflow or injury, or where the land was located as a free grant after the construction of the works, the owner shall not be entitled to compensation from the company for the overflowing or injury by such works.

**28.** Nothing herein shall authorize the company to obstruct any waters already navigable, or to collect tolls other than those upon timber. R.S.O. 1897, c. 194, s. 38.

**29.** If by reason of a dam erected by the company, any water power is created, the company shall not have any title or claim to the use of such water power; but if the owner or occupier of the adjoining land claims compensation for damages arising from such dam, the arbitrators may take into account the increased value of his land by reason of the water power so created. R.S.O. 1897, c. 194, s. 39.

**30.**—(1) The tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the quantity of different kinds of timber expected to pass down the stream, and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with the provisions of section 20 and the following sections;

(2) The tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and running, driving, booming, towing, sorting, and rafting logs and other timber, and providing an equal annual sinking fund, which, invested at six per centum, will be sufficient to pay back to the shareholders the amount of their paid-up stock at the end of the time limited for the existence of the company, and collecting the tolls, the balance of the receipts shall as nearly as possible be equal to and in no case exceed \$10 for every \$100 expended and invested in the works.

(3) If in any year the receipts from tolls are such that, after defraying all the current expenses, there remains a clear profit of more than \$10 upon every \$100 of the capital expended, there shall nevertheless be divided amongst the shareholders no greater dividend than after the rate of \$10 for

Compensation for overflowing land purchased after incorporation.

Navigable waters not to be obstructed. Tolls to be on timber only.

Rights of parties as to water powers created by the company.

Principle on which tolls to be calculated.

For first and subsequent years.

To pay back to shareholders on termination of company amount of paid-up stock.

Amount of dividend not to exceed 10 per cent., and any excess to be carried forward to the next year.

for for every \$100, and the remainder shall be carried over to the receipts of the following year, unless a higher rate is authorized by the letters patent or by the Lieutenant-Governor in Council; and unless the Minister is of opinion that injustice will be done to any of the persons interested, such surplus may, in case of a deficiency, be applied in whole or in part upon any deficiency in the year preceding that in which the surplus accrued. R.S.O. 1897, c. 194, s. 40.

Commis-  
sioner may  
refer  
accounts,  
etc., to an  
expert.

**31.** The Minister may refer the taking of the accounts or the consideration of any matter or thing that he may deem necessary in order to the proper adjustment of the tolls to an accountant or expert or any other person of skill, and such accountant, expert or other person shall have all the powers conferred upon a person appointed to examine the books under section 22. R.S.O. 1897, c. 194, s. 41.

Tolls.

**32.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions:

Red and white pine, tamarac, spruce and hemlock,	cts.
square and waney board, per thousand cubic	
feet .....	06
Oak, elm, or other hardwood, square or flatted,	
or waney board .....	09
Saw-logs, 17 feet and under, per thousand feet,	
board measure .....	01
Red and white pine, tamarac, spruce, and hemlock,	
round or flatted over 17 feet and under 30	
feet long .....	01¼
Red and white pine, tamarac, spruce, and hem-	
lock, round or flatted, 30 feet and upwards in	
length .....	01½
Sawed lumber .....	03
Staves, per 1,000 feet .....	15
Cords of wood, shingle bolts, and other lumber, per	
cord of 128 feet .....	⅓
Spars, per piece .....	03
Masts, per piece .....	05
Railway ties other than cedar, in 8 or 16 feet	
lengths, per length of 8 feet .....	1-18
Cedar, round or flatted, 8 feet long or under, per	
piece .....	1-24
Cedar, round or flatted, over 8 feet and under 17	
feet long .....	1-12
Cedar, round or flatted, over 17 feet and under 23	
feet long .....	⅞
Cedar, round or flatted, over 25 feet and under 35	
feet long .....	⅓
Cedar, round or flatted, 35 feet and upwards...	⅓

R.S.O. 1897, c. 194, s. 42; 61 Vic. c. 20, s. 1.



**33.**—(1) The annual account required to be rendered by a company shall contain a schedule of the tolls so calculated, which it is proposed to collect in the following year, and the schedule shall be published in the manner provided by section 6 prior to the first day of March, and if it has not been notified to the company, on or before the fifteenth day of April following, that the schedule has been disallowed by the Minister, the tolls so published shall be the lawful tolls for that year.

Annual account to be rendered by company to contain a schedule of tolls.

(2) If it appears to the Minister that the proposed tolls have not been calculated in accordance with the provisions of this Act, the Minister may alter or vary the schedule so as to make the tolls accord with such provisions.

When Minister may vary same.

(3) The amended schedule of tolls shall be notified to the company, and shall be published immediately thereafter for two weeks in a newspaper published in the county or district in which or nearest to which the works are situate, and shall be the lawful tolls for that year.

Notice to be given in newspaper and published in newspaper in county or district.

(4) Should no change be made by the Minister a notice of that fact shall be published for two weeks in such newspaper. R.S.O. 1897, c. 194, s. 43.

**34.**—(1) The company may demand from the owner of any timber intended to be passed over or through any portion of its works, or from the person in charge of the same, a written statement of the quantity of every kind of timber and of its destination, and of the sections of the works over or through which it is intended to pass, and if no written statement is given when required, or if a false statement is given, the whole of the timber, or such part of it as has been omitted by a false statement, shall be liable to double toll.

Company may demand of owner statement of quantity of timber liable to toll. Penalty for refusal or false statement.

(2) If any owner or person in charge, knowingly or willfully, returns a larger quantity than it is his intention or the intention of such owner or person in charge to pass over or through any of the sections, the company shall be entitled in addition to any other remedy it may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over or through the works. R.S.O. 1897, c. 194, s. 44.

When false estimate is given as to quantity liable to toll. Extra tolls may be collected.

**35.** The company may demand and receive the lawful toll upon all timber which has come through or over any of its works; and the company, and its servants, shall have free access to all such timber for the purpose of measuring or counting it. R.S.O. 1897, c. 194, s. 45.

On what timber toll may be taken. Right of company to examine.



May sue  
for tolls.

**36.** If the just tolls are not paid on demand they shall be recoverable by action. R.S.O. 1897, c. 194, s. 46, *redrafted*.

*Section 47 is omitted as being covered by the discretionary powers of the Court.*

Toll to be  
apportioned  
to the  
extent of  
the works  
used.

**37.** If timber has come through or over part only of the works of the company, the owner of the timber shall be liable to pay tolls only for such sections of the whole works as he has made use of, if in the schedule of tolls the works are divided into sections, and if not, to pay such a portion of the whole tolls as the distance the timber has come through or over the works bears to the whole distance for which the works extend. R.S.O. 1897, c. 194, s. 48.

Warrant  
may issue  
for seizure  
of timber  
for non-  
payment  
of tolls.

**38.**—(1) If the true owner of any timber which has passed through or over any of the works of the company cannot be ascertained, or if there are reasonable grounds to apprehend that the tolls thereon have not been paid by the owner or reputed owner or person in charge, any mayor, reeve or Justice of the Peace having jurisdiction in the locality through or adjoining which such navigation extends, or where the timber may be found, if within twenty miles of any such works, shall, upon the oath of any director or servant of the company that the just tolls have not been paid, issue a warrant for the seizure of such timber, or so much of it as will be sufficient to satisfy the tolls.

Warrant  
to be  
directed to  
a constable  
or special  
constable,  
and to au-  
thorize  
sale.

(2) The warrant shall be directed to any constable or any person sworn as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date of the warrant, to sell the said timber, and out of the proceeds to pay to the company the just tolls, together with the costs of the warrant and sale, rendering the surplus on demand to the owner.

Seizure of  
timber for  
tolls in  
streams.

(3) Where the works through or over which any timber is passed are in whole or in part constructed upon or along any river or stream, tributary to any river or stream which flows into the Georgian Bay, Lake Huron, or Lake Superior, or upon or along any of such last named rivers or streams, the right of seizure shall continue while the timber remains in any of such last named rivers or streams, whether or not the timber is within the twenty miles.

Right of  
seizure to  
continue  
while tim-  
ber remains  
on rivers  
or streams,  
tributary  
to the  
Ottawa  
River

(4) Where such works are constructed upon or along any river or stream in Ontario, tributary to the Ottawa River, the right of seizure shall continue while the timber remains

in such tributary, river or stream, whether within the twenty miles or not.

(5) Subsections 3 and 4 shall not extend the time for such seizure beyond thirty days. R.S.O. 1897, c. 194, s. 49. Right of seizure not extended beyond 30 days.

#### OFFENCES AND PENALTIES.

**39.** Any person who resists or impedes the company or any of its servants in the transmission of any timber through or over any such works, or in carrying out any regulations of the company for the greater safety and regularity of such transmission, or resists the company or its servants who may require access to any raft or other timber to ascertain the just tolls thereon, or in any way molests the company or its servants in the exercise of any rights conferred upon them by this Act, shall incur a penalty of not less than \$1, and not more than \$10. R.S.O. 1897, c. 194, s. 50. Impeding the operations of the company.

**40.** In any prosecution under this Act, the summons may be served, either personally or by leaving a copy of it at the usual place of abode of the party named in it or with any adult person belonging to the raft to which such party is attached. R.S.O. 1897, c. 194, s. 51, *redrafted*. How Justices to proceed in prosecutions under this Act.

**41.** The penalties when collected shall be paid to the treasurer of the company owning the works in respect of which they were imposed, for the use of the company. R.S.O. 1897, c. 194, s. 54. Fines, etc., to be paid to the treasurer of the company.

**42.** An action against any person for any matter or thing done in pursuance of this Act, shall be brought within six months next after the fact committed, and not afterwards. R.S.O. 1897, c. 194, s. 55, *amended*. Limitation of actions.

**43.** The Minister may administer oaths and take evidence upon oath as to all such matters and things as come before him under this Act, and may by writing authorize any person to whom any matter or thing under this Act shall be referred to administer oaths and take evidence upon oath for the purposes of this Act. R.S.O. 1897, c. 194, s. 56. Minister may take evidence on oath.

**44.—(1)** The company shall, within two years from its incorporation, complete every work undertaken by it, and mentioned in the report required prior to its incorporation, and for the completion of which the company is incorporated; in default of which the company shall be liable to forfeit the right to all the corporate and other powers and authority which it has acquired; and the Attorney- Time for completion of works.

General may cause proceedings to be taken in the name of the Crown to set aside the charter by serving notice upon the company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to the company, declare that its corporate powers shall cease and determine at a date to be named in the Order in Council.

Cesser of  
corporate  
powers.

(2) From and after such date all the corporate powers of the company shall cease and determine unless, prior to the taking of proceedings by the Attorney-General, further time is granted by the Minister, or the completion of the works appears to be unnecessary, and is dispensed with by him.

Default in  
completing  
works.

(3) If the company abandons for one year any works completed by it, so that the same are not in sufficient repair and cannot be used for the purpose for which they were undertaken, then the corporate powers of the company shall cease and determine, unless the maintenance of the work or the part of it so abandoned becomes unnecessary owing to the clearance or removal of the timber from the immediate neighbourhood thereof, or unless the abandonment of the same is permitted by the Minister. R.S.O. 1897, c. 194, s. 57, *amended*.

Abandon-  
ment.

Works to be  
kept in good  
repair.

**45.**—(1) After any works constructed by a company have been completed and tolls established, the company shall keep them in good and sufficient repair; and if such works have not been constructed according to the description given thereof in the report required by section 6, or have become insufficient or out of repair, any person interested in the navigation may serve upon any servant of the company a notice of such insufficiency, and if within a reasonable time after the service of such notice the necessary repairs have not been completed, the company shall be liable for the damage which any person may sustain from the continuance of such insufficiency.

Limitation  
of liability  
for dam-  
ages.

(2) No company shall be liable for any damage incurred after the time limited for the existence of the company has expired, or so long as the works are in accordance with the description or specification thereof in the letters patent, supplementary letters patent or other instrument of incorporation required to be registered, nor for any damage arising from the accidental destruction or injury of the works, but only for the damage which may arise from the wilful neglect of the company after notice served upon one of its servants, as hereinbefore provided. R.S.O. 1897, c. 194, s. 58, *amended*.

46.—(1) A Judge of the County or District Court of the county or district in which any part of the works of the company complained of is situate, on the complaint of any person interested in the driving or transmission of timber or logs down any river or stream, through or over the works of the company upon which tolls are collected, that the works are clearly inadequate by reason of being out of repair, shall appoint an inspector to examine the works and to report on the state of repair thereof.

(2) The Judge shall, after report of the inspector, order and direct what repairs are necessary and shall be made by the company, and the time by which the same shall be made and completed.

(3) If the company does not comply with such order, the person so interested may make the repairs and the cost thereof, or such portion of them as the Judge determines, shall be paid by the county, and be a lien and charge in favour of such person on the works and tolls of the company.

(4) No order shall be made in any one year for repairs which will cost more than \$100 upon any one work or improvement.

(5) The Judge may require the applicant to deposit with the Clerk of the Court such sum as will in the opinion of such Judge be sufficient to pay the fees and expenses of the inspector, to be allowed by such Judge at a rate not exceeding \$5 per day and actual travelling expenses, and such sum, when the works are found to be clearly inadequate by reason of being out of repair, may in the discretion of the Judge, be made a lien or charge in favour of the person paying the same, on the works and tolls of the company.

(6) The applicant shall, before the application comes on to be heard, file with the Judge a bond signed by himself in the penal sum of \$100, and by two sufficient sureties (who shall duly qualify) each in the sum of \$50, conditioned to pay to the company such costs connected with the application and subsequent proceedings as the company may become entitled to.

(7) Four days' notice of the application shall be sufficient and the notice may be served upon the president, secretary or superintendent, manager or acting manager, of the company and shall be sufficient.

Costs in discretion of Judge, etc.

(8) The costs incidental to the application shall be upon the County Court or Division Court scale as the Judge may direct.

Inspector, definition of.

(9) "Inspector" shall mean any person appointed by the Lieutenant-Governor in Council to act as inspector of the works of timber slide companies. R.S.O. 1897, c. 194, s. 59.

When companies may be united.

47. Any two companies formed for the construction of works on contiguous streams may unite and form one consolidated company, on such terms as to them seem meet; and the name of the company to be then assumed shall thenceforth be its corporate name, and letters patent may, subject to the approval of the Minister, be issued to it, and when issued, the consolidated company may exercise and shall enjoy all the rights, and shall be subject to all the liabilities of other companies formed under this Act, and which the separate companies had and enjoyed or were subject or liable to before their union. R.S.O. 1897, c. 194, s. 60, *amended*.

When the Lieutenant-Governor in Council may declare a company dissolved.

48. Whenever the Lieutenant-Governor in Council deems it expedient for the public service he may declare any company formed under this Act to be dissolved, and may declare all the works of such company to be Public Works, upon payment to such company of the then actual value of the works, to be determined in accordance with the provisions of *The Ontario Public Works Act*. R.S.O. 1897, c. 194, s. 61, *amended*.

10 Edw. VII. c. 11.

Letters Patent may limit term of existence of certain companies.

2 Geo. V. c. 31.

49. Where a company incorporated under chapter 153 of the Revised Statutes of 1877, or under chapter 68 of the Consolidated Statutes of Canada, applies for the issue of letters patent under *The Ontario Companies Act*, letters patent may, subject to the approval of the Minister, be issued conferring upon the company any of the powers authorized by this Act, and by such letters patent the term of existence of the said company may be limited and the company shall be subject to the provisions of this Act. R.S.O. 1897, c. 194, s. 62.

Existence of company may be extended by supplementary letters patent.

50.—(1) The term of existence of any company incorporated for a limited period may be extended for such a number of years, as the Lieutenant-Governor in Council may previous to the expiry of such period direct.

(2) Where any extension or improvement of the works or any new works proposed to be undertaken are approved by the Minister, supplementary letters patent may be issued authorizing the construction of such extension or improvement or such new works as the case may be. R.S.O. 1897, c. 194, s. 63, *amended*.

Issue of supplementary letters patent for extensions or improvements.

**51.** Sections 30, 45 and 48 shall not apply to a company incorporated before the 5th day of March, 1881, unless and until such company has become re-incorporated under section 72 of *The Ontario Joint Stock Companies' Letters Patent Act*, or under *The Ontario Companies Act*; but in lieu of those sections, sections 57, 73 and 75 of chapter 153 of the Revised Statutes of 1877, shall apply to a company so incorporated and not re-incorporated, and sections 3, 8 to 10, 12 to 26, and 29 to 40 of that chapter 153 shall also continue to apply to every such company. R.S.O. 1897, c. 194, s. 64.

Special provisions as to companies incorporated before March 5, 1881.

Rev. Stat. 1887, c. 157, s. 72.

Rev. Stat. c. 191, s. 104.

**52.** Chapter 194 of the Revised Statutes of Ontario, 1897, chapter 20 of the Acts passed in the 61st year of the reign of Her late Majesty, Queen Victoria, section 46 of chapter 10 of the Acts passed in the 4th year, and section 20 of chapter 23 of the Acts passed in the 7th year of His late Majesty, King Edward the Seventh, are repealed.

Repeal.

## CHAPTER 35.

An Act to amend The Ontario Insurance Act,  
1912.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Insurance Amendment Act, 1913.*

2 Geo. V.  
c. 33, s.  
11 (3),  
amended. **2.** Subsection 3 of section 11, of *The Ontario Insurance Act 1912*, is amended by striking out the figures "125," in the second line thereof, and inserting the figures "127" in lieu thereof.

2 Geo. V.  
c. 33, s.  
30,  
amended. **3.** Section 30 of the said Act is amended by striking out in the second line thereof, the words "or undertakings."

2 Geo. V.  
c. 33, s.  
67,  
amended. **4.** Section 67 of the said Act is amended by inserting after the word "Superintendent," in the fourth line, the words "or Registrar."

2 Geo. V.  
c. 33, s.  
98 (4),  
amended. **5.** Subsection 4 of section 98 of the said Act is amended by inserting after the word "insurance," where it first occurs in the said subsection the words "of the person."

2 Geo. V.  
c. 33, s.  
106 (1),  
amended. **6.** Subsection 1 of section 106 of the said Act is amended by striking out the figures "101" at the end thereof and substituting therefor the figures "108."

2 Geo. V., c.  
33, s. 109 (4),  
amended. **7.** Subsection 4 of section 109 is repealed and the following substituted therefor:—

Power to  
hold real  
estate.

(4) Subject to its constitution or rules, any corporation registered under this Act, or any branch or lodge thereof, may hold absolutely for its own



use and benefit such real estate as is necessary for the transaction of its business, and when so authorized by the Lieutenant-Governor in Council may acquire or construct a building larger than is required for the transaction of its business, and may lease any part of such building not so required, and may hold such real estate as is acquired by it, by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the corporation, branch, or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario.  
*New*

8.—(1) Section 166 of *The Ontario Insurance Act, 1912*, <sup>2 Geo. V. c. 33, s. 166,</sup> is amended by adding thereto the following subsections:— <sup>amended.</sup>

- (7) Every insurance corporation registered under this Act shall send to every person with whom a contract is made, within one month thereafter, a printed notice mailed to the last known address of the insured in such form as the Superintendent shall approve, and annually thereafter until proof of age is admitted, stating that the age of the insured is material to the contract, and evidence that the age stated in the application is the true age of the insured will be required before the policy is paid. This notice shall also be printed in red ink in type not smaller than 10 point upon all notices to the insured and upon all receipts for premiums. <sup>Notice to insured that age is material and proof is required.</sup>
- (8) Subsection 7 shall not apply to contracts issued under the Industrial plan. <sup>Not to apply to industrial insurance.</sup>
- (9) Subsection 7 shall not apply to a registered Friendly Society, provided that the notice mentioned therein is published on the first page of the official newspaper or journal of the Society, in each issue thereof, and printed in red ink in type not smaller than 10 point upon all Certificates issued by the Society, and upon all receipts or pass-books issued to the members. <sup>Friendly Societies may publish in official journal.</sup>
- (10) Upon failure of a corporation to comply with the provisions of subsection 7, the corporation shall be deemed to have admitted the age mentioned in the application as the correct age. <sup>When age to be deemed admitted.</sup>

(2) This section shall come into force on the 1st day of July, 1913.

2 Geo. V.  
c. 33, s.  
169 (9),  
amended.

**9.** Subsection 9 of section 169 of the said Act is amended by inserting before the word "brother," in the fourth line thereof the word "father."

2 Geo. V.  
c. 33, s.  
176 (1),  
amended.

**10.** Subsection 1 of section 175 of the said Act is repealed and the following substituted therefor:—

Where no  
trustee  
payment  
of shares  
of infants.

175.—(1) If no trustee of the insurance money is named or appointed, shares of infants may be paid to a trustee appointed by the High Court Division upon the application of the widow of the assured, or of the infants, or of their guardian, and such payment shall be a discharge to the insurer. R.S.O. 1897, c. 203, s. 155 (2).  
*Amended.*

2 Geo. V.  
c. 33, s.  
175 (2),  
repealed.

(2) Subsection 2 of the said section is repealed.

2 Geo. V.  
c. 33, s.  
175 (3),  
amended.

(3) Subsection 3 of the said section is amended by adding at the end thereof the words "and such insurance money may be paid to her as such guardian."

2 Geo. V.  
c. 33, s.  
176 (4),  
amended.  
Investment  
of shares  
Application  
of infants'  
shares.

(4) Subsection 4 of the said section is amended by striking out the words "an executor or," in the second line thereof and substituting the word "a"; and by striking out the word "executor," in the ninth line.

2 Geo. V.  
c. 33, s.  
176 (1),  
amended.

**11.**—(1) Subsection 1 of section 176 is amended by striking out the words "trustee, executor, guardian or committee," in the first and second lines thereof and substituting therefor the word "person," and by striking out the word "High," in the fifth line thereof and substituting therefor the word "Supreme."

c. 33, s.  
176 (2),  
amended.

(2) Subsection 6 of the said section is amended by inserting after the word "Court," in the fourth line the word "Division," and by striking out the words "or by some other person," in the fifth and sixth lines thereof, and by striking out the words "trustee, executor, guardian or committee," in the seventh and eighth lines thereof, and substituting therefor the word "person."

2 Geo. V.  
c. 33, s.  
178 (7),  
amended.

**12.**—(1) Subsection 7 of section 178 of the said Act is amended by striking out the words "of the," which occur after the word "shares," in the seventeenth line thereof, and  
inserting

inserting in lieu thereof the words, "if there is more than one person entitled of the wife and," and by inserting after the word "surviving," in the twenty-first line thereof, the word "wife."

(2) Subsection 7 of section 178 of *The Ontario Insurance Act* is amended by adding in the third line after the word "assured" the words "or if a sole preferred designated beneficiary dies in his lifetime." 2 Geo. V. c. 33, s. 178, subs. 7, amended.

**13.**—(1) Subsection 1 of section 202 of the said Act is amended by inserting after the word "shall," in the first line, the words "personally or by deputy." 2 Geo. V. c. 33, s. 202 subs. 1, amended.

(2) Subsection 7 of the said section is amended by striking out the figures "98" in the last line thereof, and inserting in lieu thereof the figures "96." 2 Geo. V. c. 33, s. 202, subs. 7, amended.

**14.** Subsection 2 of section 236 of the said Act is amended by striking out the words "or undertaking," in the fifth line thereof. 2 Geo. V. c. 33, s. 236 (2), amended.

**15.** Paragraph 7 of Schedule "E," of the said Act is amended by adding after the figures "51," in the first line thereof the figures "52." 2 Geo. V. c. 33, Sched. E, par. 7, amended.

**16.** It is declared that notwithstanding the repeal thereof by section 245 of *The Ontario Insurance Act, 1912*, the provisions of the former law for which sections 162 to 201 of the said Act were substituted, continued in force until the first day of August, 1912. 2 Geo. V. c. 33, amended.

## CHAPTER 36.

## An Act respecting Railways.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	Amalgamation agreements, ss. 66-68.
INTERPRETATION, s. 2.	PLANS AND SURVEYS, ss. 69-80.
APPLICATION OF ACT, ss. 3-7.	ACQUISITION OF LAND, ss. 81-97.
ORGANIZATION OF THE COMPANY, ss. 8-53.	Quantity, s. 81.
Offices, s. 8.	Conveyances by fiduciary owners, ss. 82-86.
Provisional Directors, s. 9.	Purchase of additional land, s. 87.
Capital, s. 10.	Negotiations with owner, s. 88.
Increase of Capital, s. 11.	Effect of depositing plan, s. 89.
General Meetings (Annual and Special), ss. 12-16.	Notice to owner, arbitration and taking possession, s. 90.
President and Directors, ss. 17-26. <i>See also</i> 162.	Compensation to owners of land adjacent to highways, s. 91.
Calls, s. 27.	Obtaining stone, gravel or other material, s. 92.
Shares and transfer of, ss. 28-37.	Branch lines and sidings, ss. 93, 94.
Shareholders, ss. 38-40.	Purchase of more land than necessary, s. 95.
Preference Stock, s. 41.	Snow fences, s. 96.
Dividends and Interest, ss. 42-46.	Use of adjacent lands, s. 97.
Bonds, Mortgages and Borrowing Powers, Foreclosure, ss. 47-53.	CONSTRUCTION AND EQUIPMENT, ss. 98-143.
POWERS, ss. 54-68.	Gauge, s. 98.
General, s. 54.	Equipment of trains, ss. 99-103.
Navigable Waters, ss. 55, 56.	Powers of Board, ss. 104, 105.
Compensation, ss. 57-59.	Stopping places, s. 106.
Taking or using land of other companies, s. 60.	Open cars, s. 107.
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Telegraph and Telephone lines, ss. 62-64.	
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## ROAD BED AND ADJACENT LANDS.

- Frogs, packing, etc., s. 108.
- Drainage, ss. 109-110.
- Canals, ditches, wires, s. 111.
- Farm crossings, s. 112.
- Fences, Gates and cattle guards, ss. 114, 115.
- Bridges, tunnels and other structures, ss. 116, 117.
- Highway crossings, ss. 118-128.
- Crossings and junctions, ss. 129-131.
- Mines and Minerals, ss. 132-137.
- Fires, prevention of and Liability for, ss. 138-140.
- Limitation of time for construction, s. 141.
- Use of steam during construction, s. 142.
- Contracts for construction, s. 143.

OPERATION AND SERVICE, ss. 144-161; and *see also* 104, 105, 106.

- Regulations governing the running of trains, ss. 144-153.

- Crossing draw or swing bridge, s. 154.

- Crossing highways, ss. 155-159.

- Sleeping and parlor cars, s. 160.

- Stations, s. 161.

## MUNICIPAL BONUSES, s. 162.

## MUNICIPAL CORPORATION CONTROLLING STOCK, s. 162 (2).

## BY-LAWS, RULES AND REGULATIONS, ss. 163-172.

## INSPECTION OF RAILWAYS, ss. 173-176.

- Inspecting Engineers, s. 173.

- Inspection of Line, ss. 174-176.

## TOLLS, ss. 177-219.

- By-laws as to, s. 177.

- Express Tolls, ss. 178-185.

- Collection of Tolls, s. 186.

- Equality, s. 187.

- Freight Classification and Tariffs, ss. 188-209.

- Passenger Fares on Electric Roads, s. 210.

- Traffic facilities, ss. 211-215.

- General provisions respecting carriage, ss. 216-219.

## RAILWAY CONSTABLES, ss. 220-225.

- Powers of Passenger Conductors as Constables, ss. 226, 227.

## STREET RAILWAYS AND RAILWAYS OPERATING ON HIGHWAYS, ss. 228-264.

- General Provisions, ss. 228-231.

- Municipal Street Railways, ss. 232, 233.

- Sunday Cars, ss. 234, 235.

- Hours of Labour, 236-238.

- Protection of Wires, s. 239.

- Forfeiture for Non-user, s. 240.

- Additional Powers of Electric Street Railways, ss. 241-244.

- Expropriation by Street Railway Companies, s. 245.

- Duration of Street Railway Franchises, ss. 246-249.

- Limitation of Company's Powers, ss. 250, 251.

- Duration of Privileges to Operate Electric Railways on highways, s. 252.

- Fenders, Brakes, etc., s. 253.

- Conveniences, etc., ss. 254, 255.

- "Pay as you enter" system, s. 256.

- Unclaimed Property, s. 257.

- Transfer in Ownership of Highways, s. 258.

- Agreements with Municipalities, s. 259.

- Remedy for breach, s. 260.

- Radial Lines, ss. 261, 262.

- Examination of Motormen, s. 263.

## EXAMINATION FOR COLOUR BLINDNESS, s. 264.

## ACTIONS FOR DAMAGES, s. 265.

- Limitation, s. 265.

- Defective Machinery, s. 266.

WAGES OF LABOURERS, SUBSIDIES, SS. 267-269.	RECOVERY OF PENALTIES, SS. 297-299.
HOURS OF LABOUR, SS. 270, 271.	TRANSMISSION OF POWER ON RIGHT OF WAY, S. 300.
RETURNS, SS. 272-278.	USE OF RAILWAY BY DOMINION GOVERNMENT, S. 301.
INVESTIGATION OF ACCIDENTS, SS. 279, 280.	CONVEYANCE OF LAND, S. 302.
ANIMALS AT LARGE, SS. 281, 282.	REPEAL OF FORMER ENACTMENTS, S. 303.
OFFENCES AND PENALTIES, SS. 283-296.	COMMENCEMENT OF ACT, S. 304.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### SHORT TITLE.

**Short title.**     **1.** This Act may be cited as "*The Ontario Railway Act.*" 6 Edw. VII. c. 30, s. 1.

#### INTERPRETATION.

**Interpretation of words.**     **2.** In this Act, and in any Special Act, in so far as this Act applies thereto,—

- "Board."     (a) "Board" shall mean "The Ontario Railway and Municipal Board." 6 Edw. VII. c. 30, s. 2 (5);
- "By-law."     (b) "By-law," when referring to an act of the company shall include a resolution. 6 Edw. VII. c. 30, s. 2 (6);
- "Company."     (c) "Company" shall mean a railway, street railway or incline railway company and shall include every such company and any person or municipal corporation having authority to construct or operate a railway or street railway or incline railway. 6 Edw. VII. c. 30, s. 2 (19).
- "Costs."     (d) "Costs" shall include fees, counsel fees, and expenses. 6 Edw. VII. c. 30, s. 2 (7);
- "County."     (e) "County" shall include District. 6 Edw. VII. c. 30, s. 2 (11);

(f)

- (f) "Express toll" shall mean any toll, rate or <sup>"Express toll."</sup> charge to be charged by the company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company. *New. See R.S.C. c. 37, s. 2 (9);*
- (g) "Goods" shall include personal property of every "Goods" description that may be conveyed upon the railway, or upon steam or other vessels connected with the railway. 6 Edw. VII. c. 30, s. 2 (16);
- (h) "Highway" shall include a public road, street, "Highway." lane, or other public way or communication. 6 Edw. VII. c. 30, s. 2 (13);
- (i) "Inspecting engineer" shall mean an engineer <sup>"Inspecting engineer."</sup> who is directed by the Board to examine a railway or works, and shall include two or more engineers when two or more are so directed. 6 Edw. VII. c. 30, s. 2 (23);
- (j) "Judge" shall mean a Judge of the High Court, "Judge." or of a County or District Court, as the case may be. 8 Edw. VII. c. 44, s. 1;
- (k) "Land" shall mean the land, the acquiring, tak- "Land." ing, or using of which is authorized by this or by the Special Act, and shall include real estate and an easement over or privilege in respect of, and any interest in land. 6 Edw. VII. c. 30, s. 2 (8); 8 Edw. VII. c. 44, s. 4; and *see* R.S.C. c. 37, s. 2 (15);
- (l) "Lease" shall include an agreement for a lease. "Lease." 6 Edw. VII. c. 30, s. 2 (9);



- "Owner." (m) "Owner," where, under this Act or the special Act, any notice is required to be given to the owner of land, or where any act is authorized or required to be done with the consent of the owner, shall mean the person who, under this Act or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the land to the company, and shall include a mortgagee of the land. 6 Edw. VII. c. 30, s. 2 (18); 8 Edw. VII. c. 44, s. 2;
- "Plan." (n) "Plan" shall mean a ground plan of the land and property taken or intended to be taken. *New.* See R.S.C. c. 37, s. 2 (19);
- "Railway." (o) "Railway" shall mean any railway which the company has authority to construct or operate and shall include all branches, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property, real or personal, and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct. *New.* See R.S.C. c. 37, s. 2 (21);
- "Registrar." (p) "Registrar of deeds" or "Registrar" shall include the Master of Titles, or local Master of Titles, or other officer with whom the title to the land is registered. *New.* See R.S.C., c. 37, s. 2 (22);
- "Registry Office." (q) "Registry office" or other words descriptive of the office of the Registrar of deeds, shall include the land titles office or other office in which the title to the land is registered. *New.* See R.S.C. c. 37, s. 2 (23);
- "Rolling stock." (r) "Rolling stock" shall mean and include any locomotive, engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company. 6 Edw. VII. c. 30, s. 2 (27);
- "Secretary." (s) "Secretary" shall mean the Secretary of the Board. 6 Edw. VII. c. 30, s. 2 (28);

- (t) "Special Act" shall mean any Act authorizing <sup>"Special Act."</sup> the construction of or otherwise specially relating to a railway or street railway, whether operated by steam, electricity or other motive power, and with which this Act is incorporated. 6 Edw. VII. c. 30, s. 2 (1) *part*;
- (u) "Street railway" shall mean a railway constructed <sup>"Street Railway."</sup> or operated along and upon a highway under an agreement with or by-law of a city or town, although it may at some point or points deviate from the highway to a right of way owned by the company under the powers conferred by section 243, and shall include all portions of the railway within the city or town and for a distance of not more than one and one-half miles beyond the limits thereof, although such one and a half miles may be constructed under a by-law of, or agreement with a municipal corporation, other than that of such city or town and shall also include any part of an electric railway which lies within the limits of a city or town and is constructed or operated along and upon a highway. 6 Edw. VII. c. 30, s. 2 (21);
- (v) "Toll" or "Rate" shall mean and include any toll, <sup>"Toll" and "rate" defined.</sup> rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or delivery of goods, or for any service incidental to the business of a carrier; and shall include also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, express or implied, with respect to the use thereof; and shall include also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping-cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and shall include also any toll, rate, charge

charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly. *New. See 7 and 8 Edw. VII. (Dom.) c. 61, s. 9;*

"Traffic."

- (w) "Traffic" shall mean the traffic of passengers goods and rolling stock. 6 Edw. VII. c. 30, s. 2 (25);

"Train."

- (x) "Train" shall include any engine, motor car or other rolling stock. 6 Edw. VII. c. 30, s. 2 (26);

"Undertaking."

- (y) "Undertaking" shall mean the railway and works of every description, which the company has authority to construct or operate. 6 Edw. VII. c. 30, s. 2 (4) *amended and see R.S.C. c. 37, s. 2 (33);*

"Working expenditure."

- (z) "Working expenditure" shall mean and include:

- (i) all expenses of maintenance of the railway;
- (ii) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock, let to the company, or in respect of property leased to or held by the company, apart from the rent of any leased line;
- (iii) all rent charges or interest on the purchase money of land belonging to the company purchased but not paid for or not fully paid for;
- (iv) all expenses of or incidental to working the railway, and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company;
- (v) all rates, taxes and insurance and compensation for accidents or losses;
- (vi) all sums payable under any Act of this Legislature to workmen as compensation for injuries sustained or industrial diseases contracted in the course of their employment;
- (vii) all salaries and wages of persons employed in and about the working of the railway and traffic;

(viii)

- (viii) all office and management expenses, including directors' fees, and agency, legal, and other like expenses;
- (ix) all costs and expenses of and incidental to the compliance by the company with any order of the Board; and
- (x) generally all such charges, if any, not hereinbefore otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account 6 Edw. VII. c. 30, s. 2 (24), and see R.S.C. c. 37, s. 2 (34).

## APPLICATION OF ACT.

**3.** This Act shall, unless otherwise expressed, apply to all railways, other than Government railways, and when so expressed, and not otherwise, to street railways and incline railways howsoever incorporated, and whether operated by steam, electricity or other motive power, and whether constructed on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be deemed to be incorporated and shall be construed, as one Act, with the Special Act, subject as herein provided. 6 Edw. VII. c. 30, s. 3.

**4.—(1)** The provisions of this Act in respect of tolls, tariffs and joint tariffs shall, so far as they are applicable, extend to the traffic carried by any company by water, between any ports or places in Ontario, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by water between any such ports or places.

**(2)** The provisions of this Act in respect of tolls shall, in so far as they are applicable, extend and apply to,—

- (a) Any company which has power under any special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and
- (b) The traffic so carried over, upon or through such structure. *New. See R.S.C. c. 37, s. 7.*

Any section may be excepted by Special Act.

Or may be extended, limited or qualified.

Rev. Stats. cc. 207, 208, 209, 6 Edw. VII. c. 30.

As to exceptions, etc., previous to this Act.

Conflict between this Act and Special Act.

What sections to apply to street railway companies.

And to incline railways.

5. Any section of this Act may, by the Special Act, be excepted from incorporation therewith, or may thereby be extended, limited or qualified, and it shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely. 6 Edw. VII. c. 30, s. 4.

6. If in any Special Act heretofore passed, it is enacted that any provision of *The Railway Act of Ontario, The Electric Railway Act, The Street Railway Act or The Ontario Railway Act, 1906*, in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and unless otherwise expressly provided in this Act or the Special Act this Act shall apply to every railway company incorporated under a Special Act or any general Act, and the sections expressly made applicable shall apply to every street railway company so incorporated, but where the provisions of the Special Act and the provisions of this Act are inconsistent the Special Act shall be taken to over-ride the provisions of this Act so far as is necessary to give effect to such Special Act. 6 Edw. VII. c. 30, s. 5.

7.—(1) Sections 8 to 52, 54 to 59, 66 to 68, 98, 104, 106, 110-111, 129, 143, 147, 148, 154, 156, 162, 163 to 172, 175, 176, 210, 226, 227, 264 to 266, 272 to 280, 284 to 299, 301, 302, shall apply to street railway companies.

(2) Sections 8 to 52, 54 to 59, 98, 104, 110, 111, 129, 143, 147, 162, 177, 219, 236 to 238, 240, 257, 264 to 266, 272 to 280, 284 to 299 and 302, shall apply to incline railways.

#### ORGANIZATION OF THE COMPANY.

##### Offices.

Head office.

Change of location.

8. The head office of the company shall be at the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice whereof shall be given to the Secretary of the Board who shall keep a register for the purpose of recording all changes so notified. 6 Edw. VII. c. 30, s. 6.

##### Provisional Directors.

Provisional directors.

Quorum.

9.—(1) The persons mentioned by name as such in the Special Act shall be the provisional directors of the company, and a majority of them shall be a quorum, and they shall

shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions for shares, and receive payments on account thereof, and make calls upon subscribers in respect of their shares, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof, and cause plans and surveys to be made, and shall deposit in a chartered bank of Canada having an office in Ontario, all money received by them which shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company.

*Powers.*  
*Deposit of money.*

(2) The provisional directors may add to their number or substitute for any member, whether named in the Special Act, or by the said provisional directors, who may desire to resign or withdraw, any other person as a provisional director.

*Changes in board of provisional directors.*

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation and apportionment they may exclude any one or more of the subscribers, if in their judgment such exclusion will best secure the building of the railway.

*Allotment of stock.*  
*Power of exclusion.*

(4) All meetings of the provisional directors shall be held at the head office of the company or at such other place in Ontario as may in their opinion best suit the interests of the company.

*Meetings.*

(5) No subscription for shares shall be binding on the company unless approved by resolution of the provisional directors or of the directors, nor unless ten per centum of the amount subscribed has been actually paid within one month after subscription. 6 Edw. VII. c. 30, s. 7.

*When subscription for stock to be binding.*

### *Capital.*

**10.**—(1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of \$100 each; and the money so raised shall be applied in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special

*Capital stock and shares.*

Application  
of proceeds.

Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Calling first  
meeting for  
election of  
directors.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into a chartered bank of Canada, having an office in Ontario, to the credit of the company, the provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the meeting.

Notice.

When sub-  
scribers may  
call first  
general  
meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock, and who have paid up all calls thereon.

First elec-  
tion of  
directors.

(4) At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the shares subscribed by them, shall elect directors in manner and qualified as hereinafter mentioned, who shall constitute the board of directors and shall hold office until the next general annual meeting. 6 Edw. VII. c. 30, s. 8.

Increase  
of  
capital  
stock.

**11.**—(1) The capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if;—

Approval  
by share-  
holders.

(a) such increase is sanctioned by a vote, in person or by proxy, of the shareholders, who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and

Entry of  
proceedings  
in minutes.

(b) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.



(2) Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid and properly directed to the shareholder. 6 Edw. VII. c. 30, s. 9 *redrafted*; and see R.S.C. c. 37, s. 85. <sup>Notice of meeting and object.</sup>

(3) Such fees as may be prescribed in the case of other companies shall be payable in respect of applications to the Board for its approval of the increase of the capital stock of the company. <sup>Annual meetings.</sup>

### *General Meetings.*

**12.**—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called “the annual meeting,” shall be held annually on the day mentioned in the Special Act, or on such day as may be fixed for that purpose by the by-laws of the company; and other general meetings, to be called “special meetings,” may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting. <sup>Special meetings.</sup>

(2) The annual meetings shall be held at the head office of the company. <sup>Place of.</sup>

(3) Special general meetings may be held at such places in Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the company. 6 Edw. VII. c. 30, s. 10. <sup>Special general meetings.</sup>

**13.**—(1) Two weeks’ notice of any meeting of the shareholders shall be given by advertisement once in each week for two successive weeks in at least one newspaper published in the place where the head office is situate. <sup>Notice of meetings.</sup>

(2) The notice shall specify the place and the day and the hour of the meeting; and a copy of the newspaper containing the notice shall be evidence of the publication. 6 Edw. VII. c. 30, s. 11. <sup>Contents. Evidence.</sup>

**14.**—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice by which it is convened. <sup>What business may be transacted. Exception.</sup>

Votes on  
shares.

(2) At any meeting of the shareholders every shareholder shall be entitled to as many votes as he holds shares in the company upon which all calls due have been paid.

Shareholders  
may vote by  
proxy.

(3) Every shareholder may vote by proxy, if such proxy produces from his constituent an appointment in writing, in the words or to the effect following,—

Form of  
proxy.

I, \_\_\_\_\_, of \_\_\_\_\_, one of the shareholders of the \_\_\_\_\_, do hereby appoint \_\_\_\_\_ of \_\_\_\_\_, to be my proxy, and in my absence to vote for me or give my assent to any business, matter or thing relating to the undertaking of the \_\_\_\_\_ that is mentioned or proposed at any meeting of the shareholders of the company, in such manner as he thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of \_\_\_\_\_, 19 \_\_\_\_\_.

Qualifica-  
tion of  
proxy.

(4) A vote by proxy shall be as valid as if the constituent had voted in person, but no person shall be qualified to be appointed a proxy who is not himself a shareholder; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes; and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. 6 Edw. VII. c. 30, s. 12.

Majority to  
govern.

Evidence of  
minutes, etc.

**15.** A copy of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, or of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be a true copy extracted from such minute book and purporting to be sealed with the company's seal shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. 6 Edw. VII. c. 30, s. 13 (1).

Effect of  
notices by  
secretary.

**16.** All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. 6 Edw. VII. c. 30, s. 13 (2).

### *Powers and duties of Directors.*

Election of  
board of  
directors.

**17.**—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the Special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting, and if such election is not held on the day appointed therefor the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Time.

(2) No person shall be admitted to vote at such special meeting unless he would have been entitled to vote had the election been held on the day on which it ought to have been held. Who entitled to vote.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. Vacancies.

(4) No person shall be a director unless he is a shareholder, owning at least ten shares absolutely in his own right, and qualified to vote for directors at the election at which he is chosen. Who qualified to be a director. 6 Edw. VII. c. 30, s. 14 (1-4).

(5) If the company has received aid towards the construction of its railway or undertaking or any part thereof from the Government of Ontario under any Act of this Legislature, a majority of its directors shall be British subjects. When majority to be British subjects. *New.* See R.S.C. c. 37. s. 112 (3).

(6) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors. Term of office of directors. 6 Edw. VII. c. 30, s. 14 (5).

(7) So long as a quorum of directors remains in office, vacancies in the board may be filled by such directors as remain in office. When directors may fill vacancies.

(8) Whenever there is not a quorum of directors in office it shall be the duty of the remaining directors or director forthwith to call a meeting of the shareholders to fill the vacancies, and in default the meeting may be called by any shareholder. When no quorum.

(9) If there are no directors remaining in office a meeting to elect directors may be called without service of any requisition. *New.* See *The Companies Act*, 2 Geo. V. c. 31, s. 83 (3) (4) (5). When no directors.

(10) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, when present, be the chairman at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president. Vice-President.

Powers of  
quorum.

(11) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of  
majority  
to bind the  
whole.

(12) The act of a majority of a quorum of the directors present at any meeting regularly held shall be deemed the act of the directors.

Casting  
vote.

(13) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. 6 Edw. VII. c. 30, s. 14 (7-10).

Directors  
to be sub-  
ject to  
shareholders  
and by-laws.

**18.** The directors shall be subject to the control of the shareholders at their annual meetings, and to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act. 6 Edw. VII. c. 30, s. 15.

Contractors  
with com-  
pany not  
to be  
directors

**19.**—(1) No person concerned or interested in any contract under or with the company, or being a surety for any contractor, shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company.

Liability of  
person  
offending

(2) If any such contract is made by or on behalf of any director or provisional director or promoter an action shall lie against him at the suit of any shareholder or of the corporation of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional director or promoter from the contract. 6 Edw. VII. c. 30, s. 16.

By-laws for  
management  
of company.

**20.**—(1) The directors may make rules, regulations and by-laws not inconsistent with this Act, for the management and disposition of the shares, property, business and affairs of the company, and for the appointment of all officers, servants and artificers, and for prescribing their duties and salaries. 6 Edw. VII. c. 30, s. 17.

(2) The directors may also employ and pay one of their <sup>Manager.</sup> number as managing director. 6 Edw. VII. c. 30, s. 8 (4), *part.*

**21.** The directors may appoint such officers as they deem <sup>May appoint</sup> requisite, and shall take sufficient security from the manager <sup>officers.</sup> and officers for the safe keeping and accounting by them of the money raised by virtue of this Act and the Special Act, and for the faithful execution of their offices. 6 Edw. VII. c. 30, s. 18.

**22.** The directors may by by-law or resolution provide for <sup>Retirement</sup> the retirement of any of the company's officers and servants, <sup>of officers,</sup> on such terms as to an annual allowance or otherwise, as <sup>etc.</sup> the directors, in the interest of the company's service and under the circumstances consider just and reasonable. 6 Edw. VII. c. 30, s. 19.

**23.** The directors may be paid such reasonable remunera- <sup>Remunera-</sup> tion for their services as may be sanctioned by the share- <sup>tion of</sup> holders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. 6 Edw. VII. c. 30, s. 20.

**24.** In case of the absence or illness of the president, the <sup>Acting</sup> vice-president, and in case of the absence or illness of the <sup>president.</sup> president and vice-president, a director appointed by the directors for that purpose shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed or done by the president. 6 Edw. VII. c. 30, s. 21.

**25.** The directors may at any meeting require the secre- <sup>Absence of</sup> tary to enter a note of such absence or illness upon the min- <sup>president</sup> utes of the meeting, and a certificate thereof signed by the <sup>may be</sup> secretary shall be delivered to any person requiring the same <sup>entered in</sup> on payment of \$1, and such certificate shall be *prima facie* <sup>minutes, and</sup> evidence of such absence, or illness at and during the period <sup>certified, etc.</sup> mentioned in the certificate. 6 Edw. VII. c. 30, s. 22.

**26.** The directors shall cause to be kept, and annually on <sup>Directors</sup> the 31st day of December, shall cause to be made up and <sup>to cause</sup> balanced, a true, exact and particular account of all money <sup>annual</sup> received by the company, or by the directors or manager <sup>accounts to</sup> thereof, or otherwise for the use of the company, and of <sup>be kept.</sup> the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company. 6 Edw. VII. c. 30, s. 23.

*Calls.*

Calls.

**27.**—(1) The directors may from time to time make such calls not exceeding ten per centum of the amount subscribed, upon the shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act, but nothing herein shall prevent the directors from making more than one call by one resolution if the intervals between such calls, the notices of each call, and the other provisions of this Act and of the Special Act, in respect of calls, are duly observed and given.

Notice of  
calls, how  
published.

(2) All notices of calls shall be published in the *Ontario Gazette*.

Payment  
of calls,  
how to be  
made.

(3) Every shareholder shall be liable to pay the amount of the call to the persons and at the times and places from time to time appointed by the company or the directors.

Interest  
to be charge-  
able on  
unpaid calls.

(4) Interest shall accrue upon the amount of any unpaid call from the day appointed for the payment thereof to the time of the actual payment.

What form-  
alities  
necessary  
in actions  
for calls.

(5) In an action to recover money due upon a call, it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, stating the number and amount of each call, whereby an action has accrued to the company by virtue of the Special Act. 6 Edw. VII. c. 30, s. 24, *amended*.

*Shares and their Transfer.*

Shares to  
be  
deemed  
personal  
estate, how  
transferable.

**28.**—(1) The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, the Special Act, the Letters Patent, Supplementary Letters Patent or by-laws of the company may be prescribed.

No restric-  
tions upon  
transfer  
of paid-up  
shares.

(2) Subject to subsection 1, no by-law shall be passed which in any way restricts the rights of a holder of paid up shares to transfer the same, but nothing in this section shall prevent the regulation of the mode of transfer thereof. *New*. See 2 Geo. V. c. 31, s. 54 (1) (2).



**29.** No transfer of shares the whole amount whereof <sup>Shares not paid up.</sup> has not been paid up shall be made without the consent of the directors. *See* 2 Geo. V. c. 31, s. 55 (1).

**30.** If any share is transmitted by the death, bankruptcy, <sup>Transmission of shares, other than by transfer, provided for.</sup> or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary and until that has been done such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof. 6 Edw. VII. c. 30, s. 27.

**31.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which the share may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trust; and the company shall not be bound to see to the application of the money paid upon such receipt. <sup>Company not bound to see to execution of trusts.</sup> 6 Edw. VII. c. 30, s. 28.

**32.** The certificate of proprietorship of a share shall be <sup>Certificate of proprietorship prima facie evidence.</sup> *prima facie* evidence of the title of the person named therein, his executors, administrators, successors or assigns, to such share. 6 Edw. VII. c. 30, s. 29 (1).

**33.**—(1) Every shareholder who makes default in the <sup>Non-payment of</sup> payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and <sup>Forfeiture.</sup> benefit thereof.

(2) No advantage shall be taken of the forfeiture unless <sup>When forfeiture enforceable.</sup> the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. 6 Edw. VII. c. 30, s. 29 (3), (4), and *See* R.S.C. c. 37, s. 93.



Effect of  
forfeiture.

**34.** Every shareholder so forfeiting shall be by such forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. 6 Edw. VII. c. 30, s. 29 (5); and *See* R.S.C. c. 37, s. 94.

Sale of  
forfeited  
shares.

**35.**—(1) The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

Limitation.

(2) The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture.

Surplus  
proceeds to  
defaulter.

(3) If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

Payment of  
arrears be-  
fore sale.

(4) If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid. 6 Edw. VII. c. 30, ss. 30-32, and *see* R.S.C. c. 37, s. 95.

Any share-  
holder may  
purchase.

(5) Any shareholder may purchase any forfeited share so sold. 6 Edw. VII. c. 30, s. 33, *part* and *See* R.S.C. c. 37, s. 95 (5).

Certificate  
of treasurer  
to consti-  
tute title.

**36.**—(1) A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto.

To be  
registered.

(2) Such certificate shall be registered by the treasurer in the name and with the place of abode and occupation of the purchaser,

purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share.

(3) The purchaser shall not be bound to see to the application of the purchase money. Purchase money.

(4) The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. 6 Edw. VII. c. 30, s. 33, and *see* R.S.C. c. 37, s. 96. Irregularity.

**37.**—(1) A shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company. Shareholders may pay in advance of calls.

(2) Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest, at such rate as the shareholders, who pay such sum in advance, and the company agree upon. Interest on advance made by shareholder to company.

(3) Such interest shall not be paid out of the capital subscribed. 6 Edw. VII. c. 30, s. 34, and *see* R.S.C. c. 37, s. 97. No interest to be paid out of capital.

### *Shareholders.*

**38.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up; but no action shall be instituted or maintained against any shareholder in respect of such liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. 6 Edw. VII. c. 30, s. 35, and *see* R.S.C. c. 37, s. 98. Shareholders individually liable till shares paid up.

**39.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders. 6 Edw. VII. c. 30, s. 36. Account of names and residence of shareholders to be kept. And of all proceedings.

Rights of  
Aliens.

**40.** All shareholders in the company, whether British subjects or aliens, or resident in Ontario, or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. 6 Edw. VII. c. 30, s. 37. See R.S.C. c. 37, s. 100.

### *Preference Stock.*

Preference  
stock by-law  
for issuing.

**41.**—(1) The directors may pass by-laws for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special  
rights of  
preference  
share-  
holders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous  
sanction  
required.

(3) Subject to subsection 4 no such by-law shall have any force or effect until it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company.

Approval  
of Board  
to be  
obtained.

(4) If the by-law is sanctioned by three-fourths in value of the shareholders the company may apply to the Board for an order approving the by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Rights and  
liabilities of  
preference  
share-  
holders.

(5) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders except that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of  
creditors  
preserved.

(6) Nothing in this section or done in pursuance of it shall affect or impair the rights of creditors of the company. 6 Edw. VII. c. 30, s. 38.

### *Dividends and Interest.*

Declaration  
of dividends.

**42.** Dividends, at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, may, from time to time, be declared

declared and paid by the directors out of the net profits of the undertaking. 6 Edw. VII. c. 30, s. 39, *amended*, and *See* R.S.C. c. 37, s. 131.

**43.**—(1) The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval. Reserve fund.

(2) The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act as they select. 6 Edw. VII. c. 30, s. 40, and *see* R.S.C. c. 37, s. 132. Investment of same.

**44.** No dividend shall be,

(a) declared whereby the capital of the company is in any degree reduced or impaired; or Dividend not to impair capital, etc.

(b) paid out of such capital; or

(c) paid in respect of any share after a day appointed for payment of any call in respect thereof, until such call has been paid, Calls to be paid.

but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such time and places as the directors appoint for that purpose. 6 Edw. VII. c. 30, s. 41, and *see* R.S.C. c. 37, s. 133. Interest may be paid on calls pending opening of road.

**45.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. *New.* *See* R.S.C. c. 37, s. 134. None on calls in arrear.

**46.** The directors may deduct from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. 6 Edw. VII. c. 30, s. 42. Arrears may be deducted from dividends.

*Bonds.*

*Bonds, Mortgages, and Borrowing Powers.—Foreclosure.**See section 187 of R.S.C. cap. 37.*Issue of  
bonds  
authorized.

Procedure.

When and  
where pay-  
able.

Interest.

Limit of  
bonding  
powers.Raising  
money on  
bonds.Bonds not  
to be for  
less than  
\$100.Right to  
issue bonds  
to be a  
continuous  
right.

Limit.

Mortgages  
securing  
bonds, etc.How  
ranked.

**47.—**(1) The directors under the authority of the shareholders, given at a special meeting, called for the purpose or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per centum per annum, as the directors think proper.

(2) Such securities shall not exceed the amount authorized by the Special Act and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

(3) The directors may for the purpose of raising money for prosecuting the undertaking issue and sell or pledge all or any of such securities.

(4) No such security shall be for a less sum than \$100.

(5) The power of issuing securities conferred by this or the Special Act shall not be exhausted by any issue; but may be exercised from time to time upon the securities constituting the issue being withdrawn or paid off and duly cancelled; but in no case shall the limit fixed in the Special Act be exceeded. 6 Edw. VII. c. 30, s. 43.

**48.—**(1) The company may secure such bonds, debentures, debenture stock or other securities, by a deed creating such mortgage, charge or incumbrance upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the deed; but the same shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the re-

quirements,

quirements of this Act and next to the payment of the working expenditure of the railway. 6 Edw. VII. c. 30, s. 44 (1) *amended*.

(2) By the deed the company may grant to the holders of such securities, or the trustees named in the deed, the powers, rights and remedies granted by this Act in respect of such securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the holders in the exercise of any power, privileges or remedy granted by this Act, and all the powers, rights and remedies so provided for shall be valid and binding and available to the holders in manner and form as therein provided. <sup>Powers conferred on holders.</sup>

(3) The company may except from the operation of any such deed any property, assets, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such deed expressly specify and describe, with sufficient particularity to identify the same, the property assets, rents or revenue of the company, or the sections or portions of the railway, not intended to be included therein or conveyed thereby. <sup>Exception of part of assets.</sup> <sup>Must be specified.</sup>

(4) Every such deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, which deposit notice shall forthwith be given in the *Ontario Gazette* and such deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property. <sup>Mortgage to be deposited with the Board and notice given.</sup>

(5) A copy of any such deed or instrument so deposited certified to be a true copy by the Secretary, shall be *prima facie* evidence of the original without proof of the signature of such official. 6 Edw. VII. c. 30, s. 44 (2-5). <sup>Evidence.</sup>

**49.**—(1) Subject as hereinbefore provided, to the payment of penalties, and to the working expenditure of the railway and to any restriction or exception contained in the deed, the securities, hereby authorized to be issued, shall be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired. 6 Edw. VII. c. 30, s. 45. *Amended. See R.S.C. c. 37, s. 141.* <sup>Bonds, etc., how ranked.</sup>

Holders  
ranked  
pro rata.

(2) Each holder of such securities shall be deemed to be a mortgagee or incumbrancer upon the securities, *pro rata* with all the other holders, but no proceeding authorized by law or by this Act shall be taken to enforce payment of such securities or of the interest thereon except through the trustee or trustees appointed by or under the deed. 6 Edw. VII. c. 30, s. 46.

Rights of  
holders of  
bonds, etc.,  
upon default  
in payment.

**50.**—(1) If the company makes default in paying the principal of or interest on any of such securities, at the time when the same becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of securities so being and remaining in default shall, in respect thereof, have the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

Right of  
bondholder,  
etc., to vote  
at meetings.  
How de-  
termined.

(2) Each such holder shall, for the purpose of voting at any such meeting, be deemed to be a shareholder and shall be entitled to as many votes as if he held shares in the company on which all calls had been paid, equal at a par valuation, to the amount of such securities so held by him, and may vote by proxy in like manner and to the same extent as a shareholder, but no person who is not himself a holder of such security or a shareholder in the company shall be qualified to be appointed a proxy.

Proxies.

Limitation  
of right  
of voting.

(3) The rights given by this section shall not be exercised by any such holder unless it is so provided by the deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such securities, and thereafter any transfers thereof in the same manner as shares or transfers of shares.

Other rights  
under mort-  
gage deed  
preserved.

(4) The exercise of the rights given by this section shall not take away, limit or restrict any other of the rights or remedies to which the holders of the securities are entitled under the provisions of the deed. 6 Edw. VII. c. 30, s. 47.

Bonds, etc.,  
mode of  
transfer of.

**51.** All securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as the transfers of shares. 6 Edw. VII. c. 30, s. 48.



*As to deposit of mortgage to secure bonds covering rolling stock hired to company, see Bills of Sales and Chattel Mortgage Act, 10 Edw. VII. c. 65, s. 26.*

**52.**—(1) The company may for the purposes of the under-<sup>Power to borrow money by overdraft, etc.</sup> taking, borrow money by overdraft or upon promissory note, bill of exchange, warehouse receipt, or otherwise, upon the credit of the company and become party to promissory notes and bills of exchange.

(2) Every such note or bill made, drawn, accepted or<sup>Securities to be binding on company.</sup> endorsed, by the president or vice-president, or other officer authorized by the by-laws, and countersigned by the secretary, shall be binding on the company; and shall be presumed to have been made, drawn, accepted or endorsed with proper<sup>Presumption.</sup> authority, until the contrary is shown.

(3) It shall not be necessary to have the seal of the com-<sup>No seal necessary.</sup>pany affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority.

(4) Nothing in this section shall be construed to authorize<sup>Notes not to be payable to bearer.</sup> the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank. 6 Edw. VII. c. 30, s. 49.

**53.**—(1) In this section:—

<sup>Interpretation.</sup>

- (a) “purchaser” shall include a mortgagee or his assigns who has obtained title by foreclosure.
- (b) “conveyance” shall include a judgment or order for foreclosure. *New.*

(2) Every mortgage heretofore or hereafter made by a<sup>Enforcing mortgages to secure bonds of street railway companies.</sup> railway, electric railway, street railway or incline railway company may be enforced by judgment for foreclosure or sale in the same manner and to the same extent as such mortgage could be so enforced if the same had been made by a company not incorporated for any public purpose. 63 Vict. c. 32, s. 1.

(3) If a railway, electric railway, street railway or incline railway, or any section thereof is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the pay-<sup>Purchaser without corporate powers to obtain authority to operate.</sup>ment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway, electric railway

railway or street railway, or incline railway until authority therefor has been obtained as in this section provided.

Application  
to be made  
to Provin-  
cial Secre-  
tary by  
purchaser

(4) The purchaser shall transmit to the Provincial Secretary an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway, electric railway, street railway or incline railway purchased, specifying the charter or Special Act under which the same was constructed and operated and requesting authority to run and operate the same, and shall, with such application, transmit a copy of any writing preliminary to the conveyance of such railway, electric railway, street railway, or incline railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, electric railway, street railway or incline railway, and such further details and information as the Provincial Secretary may require.

Provincial  
Secretary  
may  
authorize.

(5) Upon any such application, the Provincial Secretary may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of this Legislature, subject to such terms and conditions as the Provincial Secretary may deem expedient.

How far  
purchaser  
thereupon  
authorized  
to operate  
railway.

(6) The purchaser shall thereupon be authorized, for such period only and subject to such order, to operate such railway, electric railway, street railway, or incline railway, and to take and receive such tolls in respect of traffic carried thereon, as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the charter or Special Act of the said company, in so far as the same can be made applicable.

Application  
to Legis-  
lature.

(7) Such purchaser shall apply to this Legislature at the next following session thereof after the granting of such order by the Provincial Secretary, for an Act of incorporation or other legislative authority, to hold, operate and run the railway.

One  
extension  
allowed.

(8) If such application is made and is unsuccessful, the Provincial Secretary may extend the order to run and operate the railway until the end of the then next following session of this Legislature, and no longer.

Closing  
of road.

(9) If during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Provincial Secretary, as may be determined by the Lieutenant-Governor in Council. 63 Vict. c. 32, ss. 2-5, amended: R.S.C. c. 37, s. 299; 6 and 7 Edw. VII. (Dom.) c. 38, s. 9.

## POWERS.

*General Powers.*

54. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

- (a) enter into and upon any land of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such land for fixing the site of the railway, and set out and ascertain such parts of the land as are necessary and proper for the railway; Entry upon land.  
Surveys.
- (b) receive, take and hold, all voluntary grants and donations of land or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only; Receive grants and bonuses.
- (c) purchase, take and hold of and from any person, any land or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of any land or property of the company which for any reason has become not necessary for the purposes of the railway; Acquire property.  
Dispose of property not required.
- (d) make, carry or place the railway across or upon the land of any person on the located line of the railway; Placing of railway.
- (e) cross any railway, or join the railway with any other railway at any point on its route, and upon the land of such other railway, with the necessary conveniences for the purposes of such connection, and the owners of both railways may unite in forming such intersection and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection shall be determined by the Board, as provided by this Act; Cross and connect with other railways.
- (f) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force or power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them; Construct and operate railways.

(g)

Buildings,  
equipment,  
etc.

- (g) construct, erect, and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

Branch  
railways.

- (h) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway;

Transport  
passengers  
and freight.

- (i) take transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor;

Remove  
trees.

- (j) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track;

Make tun-  
nels and  
other  
works.

- (k) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which the railway intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert  
highways  
and water-  
ways.

- (l) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct  
drains.

- (m) make drains or conduits into, through or under any land adjoining the railway, for the purpose of conveying water from or to the railway;

Divert  
drains,  
pipes and  
wires.

- (n) with the consent of the Board after notice to any person interested, divert or alter the position of any water-pipe, gas-pipe, sewer, or drain, or any telegraph, telephone or electric lines, wires or poles;

(o)

(o) with the consent of the Board after notice to any <sup>Alter and substitute other works.</sup> person interested, from time to time alter, re-pair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and,

(p) do all other acts necessary for the construction, <sup>Other necessary acts.</sup> maintenance and operation of the railway. *See* R.S.C. 37, s. 151; 6 Edw. VII. c. 30, s. 51.

### *Navigable Waters.*

**55.** No company shall cause any obstruction in, or im- <sup>Navigation not to be obstructed.</sup> pede the free navigation of any river, water, stream or canal, to, upon, along, over, under, through or across which its railway is carried. *New. See* R.S.C. c. 37, s. 230.

**56.** No company shall run its trains over any canal, or <sup>Bridges to be properly floored.</sup> over any navigable water, without having first laid, and without maintaining, such proper flooring under and on both sides of its railway track over such canal or water, as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. *New. See* R.S.C. c. 37, s. 231.

### *Compensation.*

**57.** The provisions for the ascertainment of compensation contained in clause (e) of section 54 shall not extend <sup>Application of s. 54 (e).</sup> or apply to any railway incorporated under an Act of this Legislature, when it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway within the legislative authority of the Parliament of Canada. 6 Edw. VII. c. 30, s. 52.

**58.** The company shall restore, as nearly as possible, to <sup>Restoration.</sup> its former state, any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. *New. See* R.S.C. c. 37, s. 154.

**59.** The company shall, in the exercise of the powers by <sup>Compensation for damage.</sup> this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. 6 Edw. VII. c. 30, s. 53.

*Taking*

*Taking or using Land of Other Companies.*

Use of  
lands of  
other com-  
panies.

**60.**—(1) The company may take possession of, use or occupy any land belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

Approval  
of Board.

Procedure  
therefor.

(2) Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests.

Compensa-  
tion.

(3) If the companies fail to agree as to the compensation, the Board may, by order, fix the amount of the compensation to be paid in respect of the powers and privileges so granted. *New.* See R.S.C. c. 37, s. 176.

*Public Lands.*

Occupy  
public lands,  
beaches, etc.

**61.**—(1) The company shall not take possession of, use or occupy any land belonging to Ontario without the consent of the Lieutenant-Governor in Council; but with such consent such company may take and appropriate for the use of its railway and works, but not alienate, so much of the wild lands lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using its railway and works;

Limitation.

(2) The extent of the public beach or of the land covered with the water of any river or lake taken for the railway shall not exceed the quantity limited in section 81. 6 Edw. VII. c. 30, s. 54.

*Section 55 as to changes in location of line omitted as being unnecessary.*

*Telegraph, telephone and other lines.*

Power  
to erect  
telephone  
and tele-  
graph lines.

**62.**—(1) Except as provided in section 63 the company may construct and operate an electric telegraph line and a telephone line throughout and along the whole line of railway, and the branches thereof, or any part of the railway



railway or branches, and for the purpose of constructing, working and protecting such telegraph and telephone lines, the powers conferred upon telegraph companies by *The Telegraph Companies Act* are hereby conferred upon the company; but no poles shall be erected in the construction of such lines in or through any city, town or village except under an agreement with the corporation of such city, town or village, or in default of such agreement by leave of the Board and upon such terms and conditions as it may prescribe. Limitation.

(2) Such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. Use of lines.

(3) Where any municipal corporation or person has authority to construct, operate and maintain a telephone system in any locality, and is desirous of obtaining connection or communication with or within any station or premises of the company, in such locality, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just, and the Board may order and direct how, when, where, by whom and upon what terms and conditions such connection or communication shall be constructed, operated and maintained. Other telephone systems, connections with. Terms. 6 Edw. VII. c. 30, s. 56 (1) (2).

(4) Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. *New. See R.S.C. c. 37, s. 245 (3).* Contracts giving exclusive privileges not to be taken into consideration.

**63.**—(1) No lines or wires, for telegraphs, telephones or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across a railway without the leave of the Board. Wires, etc., across railway.

(2) Upon an application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith. Plans to be submitted to Board.



Order by  
Board.

(3) The Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed.

Erecting.

(4) Upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. 6 Edw. VII. c. 30, s. 56 (3) (4).

Order  
dispensed  
with where  
general  
regulations.

(5) An order of the Board shall not be required in cases in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last mentioned wires or conductors in accordance with any general regulations, plans or specifications adopted or approved by the Board. *New.* See 1 and 2 Geo. V. (Dom.) c. 22, s. 7.

General  
rules and  
regulations  
of Board.

**64.** The Board shall prescribe rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board, but in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications. 6 Edw. VII. c. 30, s. 56 (5), *amended*.

Proviso.

### *Interchange of Traffic.*

One com-  
pany may  
agree with  
another re-  
specting  
traffic.

**65.**—(1) The directors may at any time and from time to time make and enter into any agreement or arrangement not inconsistent with this or the Special Act with any other company for the interchange of traffic between their railways or vessels and for the division and apportionment of tolls in respect of such traffic.

And agree-  
ments for

(2) The directors may also make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years,—

Running  
powers.

(a) for the running of the trains of one company over the tracks of another company;

Division of  
tolls.

(b) for the division and apportionment of tolls in respect of such traffic;

(c)

- (c) generally in relation to the management and work-<sup>Management and working.</sup>ing of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,
- (d) providing, either by proxy or otherwise, for the<sup>Joint committee.</sup> appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient;

subject to the like consent of the shareholders, the sanction<sup>Conditions.</sup> of the Board, application, notices and filing, as hereinafter provided with respect to amalgamation agreements, except that publication of notices in the *Ontario Gazette* shall be sufficient notice. 6 Edw. VII. c. 30, s. 57 (1) and 58 (1) *amended* and see R.S.C. c. 37, s. 364 (1) (2).

(3) The Board may, notwithstanding anything in this<sup>Board may exempt from conditions.</sup> section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of its usual and ordinary business.

(4) Neither the making of any such agreement or arrange-<sup>Saving.</sup>ment, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the Board or relieve the companies from complying with the provisions of this Act. *New.* See R.S.C. c. 37, s. 364 (3) (4).

(5) If any officer, servant or agent of a railway company,<sup>Penalty on companies or their officers refusing or neglecting to forward traffic as above required.</sup> having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding subsection—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such neglect or refusal, incur a penalty not exceeding \$50<sup>Damages.</sup> and shall in addition be liable to the person aggrieved for the actual damages sustained by reason of such wrongful act.

(6) In case any company or municipality interested is<sup>Board to determine.</sup> unable to agree as to the regulation and interchange of traffic or in respect of any other matter in this section provided for, the same, shall be determined by the Board.

Complaints. (7) All complaints made under this section shall be heard and determined by the Board.

Street railways. (8) This section shall apply to such street railways as may from time to time be determined by the Board. 6 Edw. VII. c. 30, s. 57 (3-6).

### *Amalgamation Agreements.*

Agreement for sale, lease or amalgamation of railway.

**66.**—(1) Where the company is authorized, by the Special Act to enter into an agreement with any other company for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from the company its railway and undertaking, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company, party thereto, at any annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

Approval of shareholders.

Sanction of Board.

(2) Upon such agreement being so approved and duly executed it shall be submitted to the Board for the sanction thereof.

Notice in Gazette.

(3) Notice of the proposed application for such sanction shall be published in the *Ontario Gazette* for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or districts through which the railway to be sold, leased or amalgamated runs in which a newspaper is published.

Action of Board.

Proceedings upon sanction.

Notice.

(4) Upon such notice being given the Board shall grant or refuse the application and upon such agreement being sanctioned, it shall be filed in the office of the Board and thereupon shall come into force and effect, and notice thereof shall be forthwith given in the *Ontario Gazette*.

Evidence of notice.

(5) The production of the *Ontario Gazette* containing such notice shall be *prima facie* evidence of the requirements of this section having been complied with. 6 Edw. VII. c. 30, s. 58, *amended* and see R.S.C. c. 37, s. 361, *amended*.

Amalgamation.

**67.** Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the pro-

visions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name, and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was at or before the time when the amalgamation agreement came into effect. *New. See R.S.C. c. 37, s. 362.*

**68.**—(1) Notwithstanding anything in any agreement made or sanctioned under the provisions of the next preceding two sections, every act, matter or thing, done, effected or confirmed under or by virtue of this Act or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if it had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

(2) In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto, and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in it, and expressly limited or restricted thereby. *New. See R.S.C. c. 37, s. 363.*

#### PLANS AND SURVEYS.

8 *Edw. VII. c. 44, s. 4 which interpreted "land" where it occurs in sections 59 to 74 of 6 Edw. VII. c. 30, appears as part of the interpretation clauses.*  
*See s. 2 (k.)*

**69.**—(1) The company shall prepare, and submit to the Board, a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tidewaters, if any, to be crossed by the railway, and such as may be within

a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.

Scale.

(2) Such map shall be prepared upon a scale of not less than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the map.

Application.

Approval.

(3) Before approving such map and location the Board may, subject to the Special Act, make such changes and alterations therein as it may deem expedient, and upon being satisfied therewith shall signify its approval upon the map.

Alterations.

Filing.

(4) The map when so approved and the application shall be filed with the Board.

Board may approve whole or portion.

(5) The Board in approving of any such map and location may approve the whole or any portion thereof, and where it approves only a portion thereof it shall signify its approval upon the map accordingly.

Application of section.

(6) The provisions of this section shall only apply to the main line, and to branch lines over six miles in length. *New. See R.S.C. c. 37, s. 157.*

Plan, profile and book of reference.

**70.**—(1) Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway.

Plan.

(2) The plan shall show,—

- (a) the right of way, with lengths of sections in miles,
- (b) the names of terminal points;
- (c) the station grounds;
- (d) the property lines and owners' names;
- (e) the areas and length and width of land proposed to be taken, in figures, stating every change of width;
- (f) the bearings; and,
- (g) all open drains, watercourses, highways and railways proposed to be crossed or affected.

Profile.

(3) The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

(4) The book of reference shall describe the portion of land <sup>Book of reference.</sup> proposed to be taken in each lot to be traversed, giving number of the lots, and the area, length and width of the portion of each lot proposed to be taken, and the names of the owners and occupiers so far as they can be ascertained.

(5) The Board may require any additional information <sup>Further information.</sup> for the proper understanding of the plan and profile.

(6) The plan, profile and book of reference may be of a <sup>Sections.</sup> section or sections of the railway. 6 Edw. VII. c. 30, s. 59 (1) and *see* R.S.C. c. 37, s. 158.

**71.**—(1) Such plan, profile and book of reference shall <sup>Sanction by Board.</sup> be submitted to the Board which, if satisfied therewith, may sanction the same.

(2) The Board by such sanction shall be deemed to have <sup>Effect.</sup> approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

(3) The Board may sanction a deviation of not more <sup>Board may sanction deviation of 1 mile.</sup> than one mile from any one point on the general location approved under section 69.

(4) Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the <sup>Further information.</sup> company to submit the plan, profile and book of reference of the whole, or of any portion of the remainder of the railway, or such further or other information as the Board may deem expedient. 6 Edw. VII. c. 30, s. 59 (2) (13) and *see* R.S.C. c. 37, s. 159.

(5) In granting any such sanction the Board may fix a <sup>Time for acquiring land.</sup> period—(a) within which the company must acquire the land included in its right-of-way, or take the necessary steps for such purpose; or (b) within which the notices mentioned in section 90 shall be conclusively deemed to have been given; <sup>On giving notice.</sup> and in the event of the order granting such sanction, whether made before or after the passing of this Act, providing no such time limit, any owner or person interested in land included in the right of way, as shewn by the plan, may apply to the Board for an order that the company shall acquire such lands or take the necessary steps for such purposes, within such time as the Board deems proper, and thereupon the Board may make such order in the premises as appears just. *New.* See 1 and 2 Geo. V. (Dom.), c. 22, s. 4.



Deposit  
with  
Board.

**72.**—(1) The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and plans shall be numbered consecutively in the order of their deposit.

With regis-  
trar of  
deeds.

(2) The company shall also deposit copies thereof, or of such parts thereof as relate to each county or district through which the railway is to pass, duly certified as copies by the secretary, in the offices of the registrars of deeds for such counties or districts. 6 Edw. VII. c. 30, s. 59 (3) and *see* R.S.C. c. 37, s. 160.

Errors.

**73.** The railway may be made, carried or placed across or upon the land of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such land. 6 Edw. VII. c. 30, s. 59 (14) and *see* R.S.C. c. 37, s. 161.

Corrections.

**74.**—(1) Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the company may apply to the Board for a certificate to correct the same.

Procedure.

Notice.

(2) The Board may require notice to be given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from mistake, may grant a certificate setting forth the nature of the omission, misstatement or error, and the correction allowed.

Deposit.

(3) Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the counties or districts in which the lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction. 6 Edw. VII. c. 30, s. 59 (6) (7), and *see* R.S.C. c. 37, s. 162.

Duties of  
registrars  
of deeds.

**75.**—(1) Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.



(2) All persons may resort to such plans, profiles, books of <sup>Extracts and copies.</sup> reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for <sup>Fees.</sup> each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

(3) The registrar shall, at the request of any person, <sup>Certified copies.</sup> certify copies of any such plan, profile, book of reference, or document, so deposited in his office, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such <sup>Fees.</sup> additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him. 6 Edw. VII. c. 30, s. 59 (4) *part* and (11) and *see* R.S.C. c. 37 s. 163 (3).

(4) Such certificate shall set forth that the plan, profile <sup>Certificate of registrar.</sup> or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of the original. *New.* *See* R.S.C. c. 37, s. 163 (4).

(5) A copy of any plan, profile, book of reference, cer- <sup>Documents deposited with registrar of deeds to be prima facie evidence.</sup> tified copy thereof, or other document, relating to the location or construction of any railway, and deposited under the provisions of this Act with the registrar of deeds of any district or county through which the railway passes, certified by such registrar, in the manner hereinafter required, to be a true copy, shall be *prima facie* evidence of the original so deposited, that such original was so deposited at the time certified thereon, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which such original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and, in the case of a plan, that such plan is prepared according to a scale and in manner and form sanctioned by the Board. 6 Edw. VII. c. 30, s. 59 (12), and *see* R.S.C. c. 37, s. 74.

**76.**—(1) A plan and profile of the completed railway or <sup>Plan and profile of completed line must be filed.</sup> of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period as the Board at any time directs, be made and filed <sup>With Board.</sup> with the Board.

At registry  
offices.

(2) Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner, and form, and signed, or authenticated in such manner, as the Board may from time to time, by general regulation or in any particular case, sanction or require, shall be filed in the registry offices for the counties or districts in which such parts are respectively situate. 6 Edw. VII. c. 30, s. 59 (15), and *see* R.S.C. c. 37, s. 164.

Plans and  
profiles, how  
prepared.

**77.**—(1) All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any particular case sanction or require.

Certification.

(2) All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

Book of  
reference.

(3) Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

Board may  
refuse  
sanction.

(4) Unless and until such plan, profile and book of reference are so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. 6 Edw. VII. c. 30, s. 59 (9) and *see* R.S.C. c. 37, s. 165.

Further  
plans, etc.,  
as Board  
requires.

**78.** In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. 6 Edw. VII. c. 30, s. 59 (10), and *see* R.S.C. c. 37, s. 166.

Deviations,  
changes or  
alterations.

**79.**—(1) If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board.

Plan, pro-  
file, etc.

Sanction  
of Board.

Deposit.

(2) The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned,

tioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference. 6 Edw. VII. c. 30, s. 59 (8), and *see* R.S.C. c. 37, s. 167 (1-2).

(3) The company may thereupon make such deviation, <sup>Company may execute works.</sup> change, or alteration, and all the provisions of this Act shall apply to the portion of such line of railway so at any time changed or proposed to be changed, in the same manner as they apply to the original line.

(4) The Board may, either by general regulation, or in any <sup>Board may dispense with proceedings.</sup> particular case, exempt the company from submitting the plan, profile and book of reference, as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

(5) Nothing in this section shall be taken to authorize any <sup>Termini to be observed.</sup> extension of the railway beyond the termini mentioned in the Special Act. *New.* *See* R.S.C. c. 37, s. 167 (3-5).

**80.** The company shall not commence the construction <sup>Commencement of works.</sup> of the railway or any section or portion thereof until the plan, profile and book of reference has been submitted to and sanctioned by the Board as hereinbefore provided, nor until such plan, profile and book of reference so sanctioned has been deposited with the Board, and duly certified copies thereof with the registrars of deeds, in accordance with the provisions of this Act.

(2) The company shall not make any change, alteration or <sup>Alteration.</sup> deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with. 6 Edw. VII. c. 30, s. 109, and *see* R.S.C. c. 37, s. 168.

#### ACQUISITION OF LANDS.

##### *Quantity allowed without consent of owners.*

**81.** The lands which may be taken without the consent <sup>Extent of land which may be taken.</sup> of the owner shall not exceed:—

(a)

For right  
of way.

- (a) For the right of way one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent land, when such additional width may be taken as shall suffice to accommodate the slope and side ditches:

For sta-  
tions, etc.

- (b) For stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way. 6 Edw. VII. c. 30, s. 60.

*Conveyances by fiduciary owners.*

Who may  
convey  
lands.

**82.**—(1) All tenants in tail or for life, guardians, committees of lunatics, or curators, executors, administrators, trustees and all other persons whomsoever as well for and on behalf of themselves, their heirs and successors, as also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, or other persons seized, possessed of or interested in any land, may contract for, sell and convey to the company all or any part thereof.

Order of  
judge may  
be had.

(2) When such persons have no right in law to sell or convey the rights of property in the said land, they may obtain from a judge, after due notice to the persons interested, the right to sell the said land.

Purchase  
money.

(3) The Judge shall make such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems proper to secure the interests of the owner of the land. 6 Edw. VII. c. 30, s. 61 (1), and 8 Edw. VII. c. 44, s. 3, and *see* R.S.C. c. 37, s.s. 183 and 184.

Limitation  
of powers  
to convey.

(4) The powers, by subsections 1 and 2 conferred upon,—

- (a) rectors in possession of glebe lands;
- (b) ecclesiastical and other corporations;
- (c) trustees of land for church or school purposes;
- (d) executors appointed by wills under which they are not invested with any power over the real property of the testator; and,
- (e) administrators of persons dying intestate, but at their death seized of real property;

shall

shall only extend and be exercised with respect to any of such land actually required for the use and occupation of the company. 6 Edw. VII. c. 30, s. 61 (2), and *see* R.S.C. c. 37, s. 185 (d) (e).

**83.**—(1) Any contract, agreement, sale, conveyance or assurance made under the authority of the next preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and any conveyance so authorized shall vest in the company receiving the same, the fee simple in the land therein described, freed and discharged from all trusts, restrictions and limitations whatsoever, Effect of sale under preceding section.

(2) The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. 6 Edw. VII. c. 30, s. 62, and *see* R.S.C. c. 37, s. 186. Exoner-  
tion.

**84.** The company shall not be responsible for the disposition of any purchase money for land taken by it for its purposes, if paid to the owner of the land or into Court for his benefit. 6 Edw. VII. c. 30, s. 63. Disposition  
of purchase  
money.

**85.**—(1) Any contract or agreement made by any person authorized by this Act to convey land either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the land required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon if the land is afterwards set out and ascertained within one year from the date of the contract or agreement; Effect of  
contracts  
made before  
deposit of  
map.

(2) Possession of the land may be taken, and the purchase money may be dealt with, as if it had been fixed by an award of arbitrators as hereinafter provided, and the contract or agreement shall be in the place of an award. 6 Edw. VII. c. 30, s. 64, *amended*. Possession  
and pur-  
chase  
money.

**86.**—(1) If, in any case not hereinbefore provided for, any person interested in any land so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor. Rental  
when  
parties  
cannot  
sell.

(2) If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner herein prescribed. 6 Edw. VII. c. 30, s. 65, *part*, and *see* R.S.C. c. 37, s. 189. How  
fixed.

How charg-  
ed in rail-  
way  
accounts.

(3) Such annual rent and every other annual rent agreed upon or ascertained and to be paid for the purchase of any land, or any part of the purchase money of any land which the vendor agrees to leave unpaid shall, upon the deed creating such charge or liability, being duly registered in the registry office of the proper county, district or registration division, be chargeable as part of the working expenditure of the railway. 6 Edw. VII. c. 30, s. 65, *part, amended*, and see R.S.C. c. 37, s. 190.

*Purchase of Additional Land.*

When  
more  
ample  
space  
required.

**87.**—(1) Should the company require, at any point on the railway, more ample space than it possesses or may take under section 81, for the convenient accommodation of the public, for the traffic on its railway, for protection against snowdrifts, for the diversion of a highway, for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may apply to the Board for authority to take the same for such purposes, without the consent of the owner.

Procedure.

(2) The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

What appli-  
cation must  
include.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

Plan, etc.

(a) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board;

Particulars  
to be  
specified.

(b) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

(4)



(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for such purposes, of the whole or any portion of the lands applied for. Authority from Board.

(5) Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company. In duplicate.

(6) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the counties or districts, respectively, in which such lands are situate. Deposit with registrars of deeds.

(7) All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands authorized under this section to be taken, except the provisions relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof, when so sanctioned, with the Board and with registrars of deeds. 6 Edw. VII. c. 30, s. 74, *amended*, and see R.S.C. c. 37, s. 178. Provisions of this Act which apply.

*Negotiations with owner for compensation and damages.*

88.—(1) After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds and after notice thereof in at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands or to persons empowered to convey land or interested in land which may be taken or which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons touching the land, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, After one month's notice of deposit of map, etc., application to the owner of lands.

(2) In case of disagreement between the parties or any of them, all questions which arise shall be settled as hereinafter provided. 6 Edw. VII. c. 30, s. 66, and see R.S.C. c. 37, s. 191. Settlement of questions.



*Effect of depositing plan.*

Deposit,  
etc., to be  
general  
notice.

**89.**—(1) The deposit of a plan, profile and book of reference, and the notice of such deposit, shall be deemed a general notice to all persons of the land which will be required for the railway and works. 6 Edw. VII. c. 30, s. 67.

Effect on  
question of  
damages.

(2) The date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained; but if the company does not actually acquire the land within one year from the date of such deposit, then the date of the acquisition shall be the date with reference to which such compensation or damages shall be ascertained. *New.* See R.S.C. c. 37, s. 192 (2), and 8 and 9 Edw. VII. c. 32 (Dom.), s. 3, *amended*.

*Notice to owner.*

Notice to  
opposite  
party.

**90.**—(1) A notice shall be served upon the owner which shall contain:—

- (a) a description of the land to be taken, or of the powers intended to be exercised with regard to any land therein described;
- (b) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such land or for such damages; and
- (c) the name of a person to be appointed as the arbitrator of the company, if the offer is not accepted.

Certificate  
of O.L.S.  
to accom-  
pany notice

(2) The notice shall be accompanied by the certificate of an Ontario Land Surveyor, not interested in the matter and not being the arbitrator named in the notice to the following effect:—

- (a) That the land, if the notice relates to the taking of land, shewn on the plan, is required for the railway, or is within the limit of deviation allowed by this Act;
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages.

(3)

(3) If the owner is absent from the county or district in which the land lies, or is unknown, then upon application to a Judge of the County or District Court of the county or district in which the land lies, accompanied by such certificate, and by an affidavit of some officer of the company that such owner is so absent, or that, after diligent inquiry, the owner on whom the notice ought to be served cannot be ascertained, the Judge shall order the notice, but without such certificate, to be published three times in the course of one month in some newspaper published in the county or district.

If the party is absent or unknown.

(4) Where the Judge is interested in the land, a Judge of the High Court may, on application of the company, exercise all the powers given to a Judge of a County or District Court by this section. 6 Edw. VII. c. 30, s. 68 (1-4).

Provision when the County Judge is interested in lands required for any railway.

#### *Appointment of sole arbitrator.*

(5) If within ten days after the service of the notice, or within one month after the first publication thereof the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, six days' notice of which shall be given to the owner, appoint a person to be sole arbitrator for determining the compensation or damages to be paid.

Party not accepting the company's offer, and not appointing an arbitrator.

#### *Appointment of arbitrators, and their duties.*

(6) The Judge shall at the request of either party, on such application, appoint three arbitrators to determine such compensation or damages, one of whom may be named by each party. 6 Edw. VII. c. 30, s. 68 (5); 8 Edw. VII. c. 45, s. 1, *amended*.

Appointment by Judge of three arbitrators.

(7) If the owner within the time mentioned in sub-section 5, notifies the company of the name of his arbitrator, the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the Judge shall, on the application of the owner or of the company, previous notice of at least one clear day having been given to the other party, appoint a third arbitrator. 6 Edw. VII. c. 30, s. 68, (6); 8 Edw. VII. c. 44, s. 5, *part*.

Appointment of arbitrator by opposite party.

Third arbitrator.

#### *Notice of claim by owner after entry.*

(8) If land has been entered on and taken by the company with or without the license of the person in possession thereof

Party other than company commencing proceedings to determine compensation.

thereof and without any agreement as to the compensation to be paid therefor or if the land, though not taken, is injuriously affected by or through the construction of the railway, any owner or person interested in such land may commence proceedings to ascertain the compensation to which he is entitled in respect of the land so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the land taken or injuriously affected, and the amount of compensation or damages claimed, and thereupon like proceedings shall be taken to ascertain such compensation or damages as are prescribed where the company commences proceedings.

Stating  
amount  
found pay-  
able in  
award.

(9) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner, or for damages.

Duties of  
arbitrators.

(10) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace or a Commissioner empowered to take affidavits, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they, or he, or a majority of them, deem best; and the majority of the arbitrators at the first meeting after their appointment or the sole arbitrator shall fix a day on or before which the award shall be made, and may from time to time, with the consent of all parties, but not otherwise, extend such time; but no award shall be made or any official act done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. 6 Edw. VII. c. 30, s. 68 (7) (8) (9); 8 Edw. VII. c. 45, s. 2.

*Subsections 10, 11, 12 and 13, omitted as covered by the Arbitration Act, 9 Edw. VII. c. 35.*

Notes of  
evidence.

(11).—(a) The arbitrators or the sole arbitrator shall take down in writing the evidence brought before them or him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrators or arbitrator, unless the parties agree upon one.

(b)

(b) The stenographer shall be sworn before the arbitrators, <sup>Steno-</sup>grapher.  
or before any one of them before entering upon his duties.

(c) The expense of such stenographer, if not determined by <sup>His</sup> expenses.  
agreement between the parties, shall be taxed by the court  
or a judge thereof, and shall, in any case, form part of the  
costs of the arbitration. 6 Edw. VII. c. 30, s. 68 (14),  
*part*, and *see* R.S.C. c. 37, s. 202.

(d) After making the award, the arbitrators or the sole <sup>All papers</sup>  
arbitrator shall forthwith deliver or transmit by registered <sup>except</sup>  
letter, at the request of either party in writing, the deposi- <sup>award to</sup>  
tions, together with the exhibits referred to therein, and all <sup>be filed</sup>  
papers connected with the reference, except the award, to <sup>in court.</sup>  
the Central Office at Osgoode Hall. 6 Edw. VII. c. 30, s.  
68 (14), *part* and *see* R.S.C. c. 37, s. 203.

(12).—(a) If any arbitrator dies before the award is made <sup>Death of</sup>  
or is disqualified or refuses or fails to act within a reason- <sup>arbitrator</sup>  
able time an arbitrator may be appointed in his stead. <sup>or failure</sup>  
<sup>to act.</sup>

(b) If such arbitrator was appointed by one of the parties or by the judge on his nomination he shall have the right to appoint the arbitrator in his stead.

(c) If such arbitrator was appointed by the Judge the arbitrator in his stead may be appointed by the Judge on the application of either party on six days' notice to the other.

(d) If such arbitrator was appointed by the two arbitrators appointed by the parties the arbitrator in his stead may be appointed by the remaining arbitrators.

(e) In a case not provided for by the foregoing provisions the arbitrator may be appointed by the Judge on the application of either party on six days' notice to the other.

(f) It shall not be necessary in any such case that the proceedings shall be recommenced or repeated. 8 Edw. VII. c. 45, s. 3, *amended*.

(13).—(a) Where the notice given improperly describes <sup>Abandon-</sup>  
the lands or materials intended to be taken, or where the com- <sup>ment of</sup>  
pany decides not to take the lands or materials mentioned <sup>proceedings.</sup>  
in the notice, it may abandon the notice and all proceedings  
thereunder, but shall be liable to the person notified for all  
damages or costs incurred by him in consequence of such  
notice and abandonment, which costs shall be taxed in the

same manner as costs after an award. 6 Edw. VII. c. 30, s. 68 (17), and *see* R.S.C. c. 37, s. 207 (1).

(b) The company may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described. *New.* *See* R.S.C. c. 37, s. 207 (2).

Awards not  
voided for  
want of  
form.

(14) No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the land or other property, right or privilege for which such sum is to be the compensation; nor shall it be necessary that the person to whom the sum is to be paid, be named in the award. 6 Edw. VII. c. 30, s. 68 (18).

### *Appeals.*

Appeal to  
High Court  
from award  
on question  
of law or  
fact.

(15) Any party to the arbitration may within one month after receiving a written notice from the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to the High Court, and upon the hearing of the appeal the Court shall decide any question of fact upon the evidence taken before the arbitrators as in a case of original jurisdiction. 8 Edw. VII. c. 45, s. 4, *part*, and *see* R.S.C. c. 37, s. 209.

Procedure  
on appeal.

9 Edw. VII.  
c. 35.  
3-4 Geo. V.  
c. 19.

(16) Upon such appeal the practice and proceedings shall be as nearly as may be the same as upon an appeal from an award under *The Arbitration Act*, subject to any Rules of Court made under that Act or under *The Judicature Act*.

Existing  
practice  
not affected.

(17) The right of appeal hereby given shall not affect the existing law or practice as to setting aside such awards. 6 Edw. VII. c. 30, s. 68 (20) (21).

Company  
taking pos-  
session to  
take up  
award on  
notice

(18) Where the company has taken possession of the land prior to the making of the award it shall, within seven days after receiving a written notice from the arbitrators of the making of the award, take up the same and deliver to the owner a copy thereof. 8 Edw. VII., c. 45, s. 4, *part amended*.

### *Company's right to possession.*

Possession  
may be  
taken on  
payment or  
tender,  
etc., of sum  
awarded.

(19) Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the person entitled to receive the same, or upon the payment into court

of the amount of such compensation in the manner herein-after mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the land, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon.

(20) If any resistance or forcible opposition is made <sup>Warrant of possession.</sup> to the exercise by the company of any such power, the Judge of the county or district Court of the county or district in which the land lies, or a Judge of the High Court shall, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county or district, to put the company in possession, and to put down such resistance or opposition.

(21) The Sheriff shall, in the execution of such warrant, <sup>Powers of sheriff.</sup> take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company into possession.

(22) The warrant shall also be granted without the award <sup>When warrant of possession may issue before award.</sup> or agreement, on affidavit to the satisfaction of the judge that the immediate possession of the land or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed.

(23) The Judge shall not grant any warrant under the <sup>Procedure upon application for such warrant.</sup> next preceding subsection, unless,—

(a) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land or interested in the land sought to be taken or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and

(b) the company gives security to his satisfaction by <sup>Deposit of compensation.</sup> payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under subsection 1 of this section.

(24)

Costs of application.

(24) The costs of any such application shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or person, without an order from the Judge, which he may make in accordance with the terms of the award.

When compensation to stand in the place of the land.

(25) The compensation for any land which may be taken without the consent of the owner shall stand in the stead of such land; and any claim to or incumbrance upon the land, or any portion thereof, shall as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and the company shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 6 Edw. VII. c. 30, s. 68 (22-26).

Payment of compensation into court in some cases.

(26) When

- (a) the company has reason to fear any claim, mortgage or incumbrance; or,
- (b) any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance; or,
- (c) the person entitled to claim the compensation or the annual rent cannot be found, or is unknown to the company; or,
- (d) for any other reason, the company deems it advisable;

the company may, by leave of a Judge of the High Court, pay such compensation or annual rent into court, with the interest thereon for six months, and with such further sum if such Judge so directs, as may, in his opinion, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into court, and may deliver to the Accountant of the Supreme Court a copy of the conveyance, or of the award or agreement, if there is no conveyance.

Title.

(27) Such conveyance, award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. 6 Edw. VII. c. 30, s. 68 (27), and see R.S.C. c. 37, s. 210.

(28)



(28) A notice of such payment and delivery, in such form and for such time as a Judge of the High Court appoints, shall be inserted in a newspaper published in the county or district in which the land is situate.

What notice to be published.

(29) Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the land, or to any part thereof, to file their claims to the compensation or any part thereof.

Contents of notice.

(30) All such claims filed shall be received and adjudicated upon by the Court, and the adjudication shall bar all claims to the land, or any part thereof, including dower as well as all mortgages and incumbrances upon the same.

Adjudication on claims.

(31) The Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all persons interested as may be proper. 6 Edw. VII. c. 30, s. 68 (28).

Adjustment of compensation.

(32) The costs of the proceedings in whole or in part, including the proper allowances to witnesses shall be paid by the company or by any other person as the Court may order.

By whom cost to be paid.

(33) If the order for distribution, payment or investment is obtained within less than six months from the payment of the compensation, the Court shall direct a proportionate part of the interest to be returned to the company;

When interest to be returned to, or paid, by the company.

(34) If from any error, fault or neglect of the company, an order is not obtained until after the six months, the Court shall order the company to pay into Court as part of the compensation the interest for such further period as the Court deems just. 6 Edw. VII. c. 30, s. 68 (29), (30).

Interest as compensation for delay etc.

### *Compensation to Owners of Lands Adjacent to Highways.*

**91.**—(1) Where a railway constructs its tracks along one side of a highway or operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks

Compensation for damages to owners of lands adjacent to highway.

are

are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company.

**Procedure.** (2) The proceedings to obtain such compensation and to determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the owner.

**Compensation.** (3) Compensation for injury to or depreciation of the value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered.

**Only one award.** (4) Not more than one award of damages shall be made under this section in respect of the same land or business.

**Saving.** (5) This section shall not apply to such portions of any railway as are constructed on or before the 1st day of June, 1906, or which may be constructed under agreements existing at that date. 6 Edw. VII. c. 30, s. 110.

*Obtaining Stone, Gravel or Other Material.*

**Obtaining materials for construction or operation.** **92.—(1)** Whenever,—

(a) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

**Transport.** (b) such materials, so required, are situate, or have been brought to a place at a distance from the line of railway and the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such materials are situate, or to which they have been brought;

**Plan and description.** the company may, if it cannot agree with the owner of the land for the purchase thereof, cause an Ontario land surveyor to make a plan and description of the property or right of way, and shall serve upon each of the owners or occupiers

occupiers of the land affected a copy of such plan and description, or of so much thereof as relates to the land owned or occupied by them respectively, duly certified by such surveyor or engineer.

(2) All the provisions of this Act shall, in so far as <sup>Provisions of this Act which apply.</sup> applicable, apply, and the powers thereby granted may be used and exercised to obtain the materials so required, or the right of way to the same, irrespective of the distance thereof; but the company shall not be required to submit any such plan for the sanction of the Board.

(3) The company may, at its discretion, acquire the land <sup>Title may be acquired.</sup> from which such materials are taken, or upon which the right of way thereto is located, for a term of years or permanently.

(4) The notice of arbitration, if arbitration is resorted to, <sup>Arbitration.</sup> shall state the extent of the privilege and title required. 6 Edw. VII. c. 30, s. 69, and *see* R.S.C. c. 37, s. 180 (1-4).

(5) The tracks, spurs or branch lines constructed or laid <sup>Tracks not to be used for other purposes.</sup> by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board may impose. *New, see* R.S.C. c. 37, s. 180 (5).

#### *Branch Lines and Switches and Sidings to Industries.*

**93.**—(1) The company may for the purpose of its un- <sup>Power to construct.</sup>dertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or from any branch thereof.

(2) Before commencing to construct any such branch line, <sup>Procedure.</sup> the company shall,—

(a) make a plan, profile and book of reference, showing <sup>Plans, etc.</sup> the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each county or district through which the branch line is to pass, in the offices of the registrars of deeds for such counties or districts;

(b) upon such deposit, give four weeks' public notice <sup>Notice of application to Board.</sup> of its intention to apply to the Board under this section, in some newspaper published in each county

county or district through which the branch line is to pass, or, if there is no newspaper published in such county or district, then for the same period in the *Ontario Gazette*; but the Board may dispense with or shorten the time of such notice in any case in which it deems proper to do so; and,

Papers to  
be sub-  
mitted.

(c) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited.

Board may  
authorize  
branch  
line.

(3) The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades or curves as the Board may direct.

Time for  
construc-  
tion.

(4) Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line.

Papers to  
be de-  
posited  
with Board.

(5) There shall be deposited with the Board such authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of this section.

Copies  
with regis-  
trars of  
deeds.

(6) The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing the changes directed by the Board.

(7) No branch line shall be,—

No exten-  
sion  
allowed.

(a) extended under the foregoing provisions for the construction of branch lines; or,

(b) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

Provisions  
applicable.

(8) Upon compliance with the requirements of the next seven preceding subsections all the other provisions of this Act, except those relating to the sanction by the Board of the plan,

plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the counties or districts through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the land to be taken for them. *New, see R.S.C. c. 37, ss. 221-225.*

94.—(1) Where any industry or business is established or intended to be established within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in a chartered bank such sum as is by the Board deemed sufficient, or necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

(2) The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

(3) The aggregate amount so paid by the applicant in the construction and completion of the spur or branch line shall be repaid or refunded to him by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the spur or branch line.

(4) Until so repaid or refunded, the applicant shall have a special lien for such amount upon the spur or branch line, to be reimbursed by such rebate.

(5) Upon repayment by the company to such applicant of all payments made by him upon such construction and completion the spur or branch line, right of way, and equipment shall become the absolute property of the company free from any such lien.

(6) The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board may make with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

Construction of spur or branch on application of corporation.

(7) A municipal corporation may apply for the construction and maintenance of a spur or branch line for providing facilities in connection with a railway for the purpose of any industry, business or market established within six miles of the railway and the provisions of the foregoing subsections shall apply as if the corporation were the person by whom the industry or business was established.

Cost of constructing spur or branch for municipality.

(8) Where the application is made by a municipal corporation the Board may require the corporation to pay to the company the cost of construction and completion of the spur or branch line or may require part of it to be paid by the corporation and part of it to be repaid or refunded by way of rebate so provided by subsection 3.

Provisions applicable.

(9) All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. *New, see R.S.C. c. 37, s. 226.*

#### *Purchase of More Land than Necessary.*

When company may purchase.

**95.**—(1) Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity.

Sale of surplus land.

(2) The company may sell and dispose of any part of the land so purchased which may be unnecessary for the undertaking. 6 Edw. VII. c. 30, s. 71, and *see R.S.C. c. 37, s. 181.*

#### *Snow Fences, Etc.*

Erection of snow fences.

**96.**—(1) Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any, actually suffered and thereafter established, in the manner provided by law with respect to such railway.

Compensation.

Removal.

(2) Every snow fence so erected shall be removed on or before the first day of April then next following. 6 Edw. VII. c. 30, s. 72, and *see R.S.C. c. 37, s. 182.*

#### *Use of Adjacent Lands During Construction.*

Use of adjoining lands.

**97.**—(1) The Company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers



powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy such land as long as is necessary for such purposes; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

(2) Before entering upon any land for such purposes the company shall, if the consent of the owner is not obtained, pay into the Supreme Court,—

If owner does not consent.

(a) such sum as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such court; and,

Sum to be deposited.

(b) interest for six months upon the sum so fixed.

Interest.

(3) Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

As security for compensation.

(4) Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. 6 Edw. VII. c. 30, s. 73, and see R.S.C. c. 37, s. 179.

Deficiency to be paid.

#### CONSTRUCTION AND EQUIPMENT.

##### *Gauge.*

**98.** The tracks of every railway, the construction of which is hereafter commenced, shall be of the standard gauge of four feet eight and one-half inches, unless the Board upon the application of the company otherwise orders. 6 Edw. VII. c. 30, s. 75.

Gauge.

##### *Equipment and Appliances for Trains.*

**99.**—(1) Every company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means,—

Modern and efficient.

(a) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motorman;

Communication.

(b)



**Brakes.**

- (b) to check at will the speed of the train, and bring the same safely to a standstill, as quickly as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and,

**Couplers.**

- (c) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars.

**Drive wheel brake.**

- (2) Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive.

**Power or train brakes.**

- (3) There shall also be such a number of cars in every train equipped with power or train brakes that the engineer or motorman on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for that purpose.

**Continuous, instantaneous action.**

- (4) Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver, motorman or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

**Box freight cars.**

- (5) All box freight cars of the company shall, for the security of railway employees, be equipped with,—

**Outside ladders.**

- (a) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,

**Hand grips.**

- (b) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:

**Other improvements.**

- and if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may

require

require any of such cars not already fitted with the side attachments by this section required, to be fitted with such improved attachment. 6 Edw. VII. c. 30, s. 76 (1-4), and *see* R.S.C. c. 37, s. 264 (1-5).

(6) The running-board on the roof of each box freight car of the company shall, at all times, be of a sufficient thickness and strength, and not less than thirty inches in width, and shall, with proper and safe supports, extend the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car likewise extend. R.S.O. c. 266, s. 5 (3). <sup>Running boards.</sup>

(7) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities. 6 Edw. VII. c. 30, s. 76 (6), and *see* R.S.C. c. 37, s. 264 (6). <sup>Height of draw-bars.</sup>

(8) The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section. <sup>Delay may be allowed for compliance.</sup> *New.* *See* R.S.C. c. 37, s. 264 (7).

(9) The Board may, subject to the requirements of the preceding provisions of this section, upon application, order that any apparatus or appliance specified in such order shall, when used upon the train in the manner and under circumstances in such order specified, be deemed sufficient compliance with such provisions, but the Board shall not by such order allow any exception to or modification of the requirements of this section. *New.* *See* R.S.C. c. 37, s. 265. <sup>Board may determine what equipment sufficient.</sup>

(10) The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. 6 Edw. VII. c. 30, s. 83 (4), and *see* R.S.C. c. 37, s. 266. <sup>Oiling.</sup>

(11) Every passenger, baggage, mail and express car which is owned or regularly used on any railway in Ontario, in which heating apparatus is placed, shall be provided with such safeguards against fire as the Board shall in writing from time to time approve. <sup>Safeguards against fire in cars.</sup>

(12) Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty <sup>Penalty for non-compliance.</sup>

sum

**Damages.** sum not exceeding \$200 for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary. 6 Edw. VII. c. 30, s. 76 (7), (9).

**Agreements to contrary invalid.**

**Consent to prosecution.**

**Locomotives to have bells or whistles.** **100.** Every locomotive, engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle. 6 Edw. VII. c. 30, s. 77.

**Gongs and whistles.** **101.** Every car which contains a motor or which runs at the head of a train shall be furnished with a gong, to be approved by regulation of the Board, or with an air whistle. 6 Edw. VII. c. 30, s. 78.

**Protection of conductors and motormen.** **102.**—(1) Every car in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, requires the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have its platforms so enclosed as to protect the motorman from exposure to wind and weather in such manner as the Board shall approve.

**Where no rear vestibules.** (2) Every company operating its cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars during such period so far as is consistent with the proper performance of their duties.

**Compartment for motorman.** (3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment into which no person shall be admitted save the officers or employees of the company on duty; and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule.

**Penalty.** (4) Any company offending against the provisions of this section shall incur a penalty of \$100 for each offence and any person offending against the provisions of this section shall incur a penalty of not less than \$2 nor more than \$50, recoverable under *The Ontario Summary Convictions Act*.

10 Edw. VII. c. 37.

**Application.** (5) This section shall apply only to railways operated by electricity, street railways, and incline railways. 6 Edw. VII. c. 30, s. 79.

**Power to modify requirements of section 102.** **103.** The Board may by order applicable either generally or in one or more particular cases, alter or modify, any of the

the requirements of section 102. 6 Edw. VII. c. 30, s. 80, amended.

*Powers of Board as to Equipment and Service.*

- 104.**—(1) The Board may make orders and regulations: Board may make regulations respecting—
- (a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and prescribing, if it thinks fit, certain maximum rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof; Speed of trains.
  - (b) with respect to the use of the steam whistle within any city, town or village, or any portion thereof; Use of steam whistle.  
*New.* See R.S.C. c. 37, s. 30 (1) (a), (b).
  - (c) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another; Passing from car to car.
  - (d) for the coupling of cars; Coupling of cars.
  - (e) requiring proper shelter to be provided for all employees when on duty; Shelter for employees.
  - (f) with respect to the use on any engine, of nettings, screens, grates and other devices, and the use on any engine or car, of any appliances and precautions, and, generally, in connection with the railway respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway. 6 Edw. VII. c. 31, s. 19 (1), (a-c); R.S.C. c. 37, s. 30 (1) (c-f); Devices to avoid fires.
  - (g) requiring the company to establish and maintain an efficient and competent staff of fire-rangers, equipped with such appliances for fighting, or preventing fires from spreading, as the Board may deem proper, and to provide such rangers with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed; Fire-rangers.
  - (h)

Patrol of  
railway.

- (h) requiring the company to maintain an efficient patrol of the line of railway and other lands in the vicinity thereof to which fires may spread, and generally to define the duties of the company, and such fire-rangers, in respect thereof;

## Returns.

- (i) requiring the company to make returns of the names of fire-rangers in its employ in the performance of the above duties, and of the places or areas in which they are from time to time engaged;

Powers of  
rangers.

For the purpose of fighting and extinguishing fires, the fire-rangers may follow the fires which spread from the railway to, over and upon the lands to which they may spread. *New. See 1 and 2 Geo. V. Dom. c. 22, s. 2;*

For protec-  
tion gener-  
ally.

- (j) with respect to the rolling stock, apparatus, cattle-guards, fenders, brakes, sanders and vestibules, steps, seats, heating, lighting, open or closed cars, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public; 6 Edw. VII. c. 31, s. 19 (1), (d); 8 Edw. VII. c. 46, s. 1;

Other mat-  
ters.

- (k) with respect to any matter, act or thing which by this Act or the Special Act is sanctioned, required to be done, or prohibited;

## Generally.

- (l) generally for carrying this Act into effect. 6 Edw. VII. c. 31, s. 19 (1), (e), and *see* R.S.C. c. 37, s. 30 (1) (g), (h), (i).

Application  
of orders.

(2) Any such orders or regulations may be made to apply to any particular locality, to any railway or section, or portion thereof, and the Board may exempt any railway or section or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient.

## Penalties.

(3) The Board may by regulation provide penalties, when not already provided in this Act, to which every company, person or municipal corporation offending against any regulation made under this section shall be liable, but no such

penalty

penalty shall exceed \$100 for each offence, and every such penalty shall be recoverable under *The Ontario Summary Convictions Act*, or by action at the suit of the Attorney-General as the Board may by regulation determine.

(4) The imposition of any such penalty shall not lessen or affect any other liability which any company, person or municipal corporation may have incurred. 6 Edw. VII. c. 31, s. 19 (2)-(3). Power to review, etc.

(5) All orders or regulations under this section may be made to apply to any railways, whether operated by steam, electricity or other motive power, but no such order or regulation shall increase or extend, lessen or impair, any obligation or duty resting upon, or any privilege or franchise enjoyed by the company under the Special Act or under any agreement. 6 Edw. VII. c. 31, s. 21. Application of regulations to railway companies.

**105.**—(1) Whenever the Board is of opinion after hearing had upon its own motion or upon complaint that the regulations, practices, equipment, appliances or service of any railway company, street railway company, or incline railway company in respect to the transportation of persons, freight or property are unjust, unreasonable, unsafe, improper or inadequate, it shall determine the just, reasonable, safe, proper and adequate regulations, practices, equipment, appliances or service thereafter to be in force, to be observed and to be used in such transportation of persons, freight, and property, and fix and prescribe the same by order to be served upon the company to be bound thereby, and it shall be the duty of the company to observe and obey every requirement of every such order and to do everything necessary or proper in order to secure absolute compliance with and observance of every such order by its officers, agents and employees. 10 Edw. VII. c. 83, s. 2, *amended*. Jurisdiction of Board over railway. As to regulations, equipment and service.

(2) Whenever in the opinion of the Board repairs or improvements to or changes in any tracks, road-beds, switches, terminals or terminal facilities, motive power or any other property or device used by any railway company or street railway company, or incline railway company, in or in connection with the transportation of passengers, freight or property, ought reasonably to be made thereto in order to promote the security or convenience of the public or of the employees of the company or to secure adequate service or facilities for the transportation of passengers, freight or property, the Board upon a hearing had either upon its own motion or after complaint, shall make and serve an order directing such repairs, improvements, changes or additions to be made within a reasonable time and in

in a manner to be specified therein, and every company shall make all repairs, improvements, changes and additions required of it by any such order within the time and in the manner specified in the order. 10 Edw. VII. c. 83, s. 3, *amended*.

Jurisdiction  
of Board  
over street  
railways.

(3) Whenever in the opinion of the Board a street railway company or incline railway company;

- (a) does not run cars enough or possess or operate motive power enough reasonably to accommodate the passengers transported or offered for transportation to it;
- (b) does not run its cars with sufficient frequency or at a reasonably proper time;
- (c) does not run any car upon a reasonable time schedule for the run;
- (d) does not provide reasonable routes and services for the accommodation of the public;
- (e) does not provide for stopping its cars to take on and discharge its passengers at convenient points or at a sufficient number of points;
- (f) does not sufficiently or properly heat and light any of its cars or keep the same clean; or
- (g) operates any car which is not in proper repair and condition,

Improve-  
ment of  
service.

the Board may after a hearing had either on its own motion or upon complaint make an order directing the company to increase the number of its cars or its motive power, to change the time for starting any car, to change the time schedule for the run of any car, to run cars and provide a sufficient service upon any route that the Board may deem necessary for the accommodation of the public, to sufficiently light and heat its cars and keep them clean, to stop its cars to take on and discharge passengers at such points as the Board may deem proper, and may make any other order which the Board may deem necessary to accommodate and transport the passengers transported or offered for transportation, and the company shall be bound to obey every such order according to the exigency thereof. 10 Edw. VII. c. 83. s. 4.



(4) The powers conferred by the three next preceding subsections upon the Board shall be in addition to the powers conferred upon it elsewhere in this Act. 10 Edw. VII. c. 83, s. 5. Powers conferred to be in addition to present powers.

(5) The Board shall have the like power and authority for the enforcement of any order made by it under the provisions of such three subsections as it possesses for the enforcement of its orders under the other provisions of this Act, and especially the power and authority conferred by section 26 of *The Ontario Railway and Municipal Board Act* and 260 of this Act. 10 Edw. VII. c. 83, s. 6. Enforcement of orders.

(6) The provisions of this section shall apply notwithstanding any agreement between the company and a municipal corporation or the provisions of any general or special Act relating to the agreement or to the company. 10 Edw. VII. c. 83, s. 9. Application of Act notwithstanding agreement or special Act.

(7) The powers conferred by this Act in the case of street railways wholly or partly in cities having a population of one hundred thousand or over shall include, but in the case of other street railways shall not include, the power to require the company owning or operating the street railway to construct, maintain and operate additional lines and extensions of existing lines, in, along and upon any street or highway or part of a street or highway upon which the company has authority to construct, maintain and operate its railway. 10 Edw. VII. c. 83, s. 10. Powers to acquire street railway companies in cities of 100,000 or over to construct, maintain and operate additional lines.

(8) The Board shall not have power or authority to require or to permit a railway company, street railway company, or incline railway company, without the consent of the corporation of the municipality, to construct or lay down within the municipality more tracks or lines than under its agreement with the corporation or the by-law of the council of the corporation of the municipality by which authority to construct the railway upon any such street or highway or part of a street or highway was conferred it has authority to construct or lay down, but the agreement or by-law shall govern as to the number and location of the tracks and the streets or highways upon which the railway may be constructed. 1 Geo. V. c. 54, s. 1, *part*. Limitation of Board's power.

(9) All tracks, switches, additional lines and extensions of existing lines which are, have been or shall be hereafter constructed and operated by a street railway company or incline railway company, in pursuance of an order of the Board, shall nevertheless be deemed to have been constructed under the authority, and shall be subject to all the provisions of Application of agreement.

the agreement between the company and the corporation of the municipality, or the by-law of the council thereof, by which authority to construct the railways was conferred upon the company. 1 Geo. V., c. 54, s. 1, *part*.

Stopping  
places.

**106.** Railways operated by electricity shall stop at such places in addition to those fixed by the by-laws or regulations of the company as the Board may from time to time by resolution direct and order. 6 Edw. VII. c. 30, s. 81.

Open cars.

**107.**—(1) Open or summer cars, for use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor shall be provided in every such car, and no open or summer cars shall be used unless so arranged.

Side steps.

(2) The side steps on such cars shall be so constructed, if in the opinion of the Board it is practicable, that passengers will be prevented from standing upon the same while the car is in motion.

Application  
of section.

(3) The Board may relieve a company from the obligation imposed by subsection 1 as to any route upon which the space between the tracks commonly called the devil strip is not sufficiently wide to permit cars so arranged or constructed to be used.

Disputes to  
be settled  
by Board.

(4) In all cases of dispute between a railway or street railway company and a municipal corporation or any person making complaint to the Board as to sufficiency of width, practicability of construction of cars or as to any other matter or thing mentioned in this section, the order of the Board shall be final and shall not be subject to appeal, and any order made by the Board as to any such matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to its terms.

Passengers  
not to stand  
on side  
steps

(5) No passenger shall stand or be permitted to stand upon the side steps of any car for a greater length of time than is necessary to enable him to enter or leave the same.

Penalty.

(6) For every contravention of subsection 5, the person offending shall incur a penalty of not less than \$2 or more than \$10, recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 82.

## THE ROAD BED AND ADJACENT LANDS.

*Frogs, Packing, etc.*

**108.**—(1) The spaces behind and in front of every rail-way frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail. <sup>In what spaces.</sup>

(2) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches. <sup>Idem.</sup>

(3) Such packing shall not reach higher than to the under side of the head of the rail. <sup>Height of.</sup>

(4) Such packing shall consist of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inch of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. <sup>Of what to consist.</sup>

(5) The Board may, notwithstanding the requirements of this section, allow the filling and packing therein mentioned to be left out from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines. 6 Edw. VII. c. 30, s. 83 (1-3). (*See R.S.C., c. 37, s. 288.*) <sup>Board may regulate.</sup>

*Drainage.*

**109.**—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the land through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the land shall not be obstructed or impeded by the railway. <sup>Ditches and drains.</sup>

## (2) Whenever,—

If drainage  
insufficient.

(a) any land is injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such land; or,

Or municipal  
corpora-  
tion desires.

(b) any municipal corporation or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across, or under the railway or any works or land of the company;

Board may  
order.

the Board may, upon the application or complaint of the municipal corporation or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there to hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

Terms and  
conditions.

(3) The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests. 6 Edw. VII. c. 30, s. 84, and *see* R.S.C. c. 37, s. 250.

When  
order not  
required.

(4) An order of the Board shall not be required in cases in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company, in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purpose. *New. See* 1-2 Geo. V. Dom. c. 22, s. 8.

Drainage  
proceedings  
under Pro-  
vincial Acts.

**110.**—(1) Whenever by virtue of any Act proceedings may be had or taken by any municipal corporation or landowner for any drainage, or drainage works, including the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner such proceedings may be had or taken by such municipal corporation or landowner for drainage or drainage works, upon and across the railway and land of the company, in the place of the proceedings before the Board provided for by the next preceding section.

(2) Thereupon such Act shall apply to the land of the company upon or across which such drainage or other work is required, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same land, and the company shall have the option of constructing the portion of any drain or drainage work required to be constructed upon, along, under or across its railway or land.

(3) In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act.

(4) Notwithstanding anything in this section, no such drain or drainage works shall be constructed or reconstructed upon, along, under or across the railway or land of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

(5) The proportion of the cost of drain or drainage works upon, along, under or across the railway or land of the company to be borne by the company shall in such cases be based upon the increase of cost of such work caused by the construction and operation of the railway. 6 Edw. VII. c. 30, s. 85, *amended*.

*See also The Municipal Drainage Act, 10 Edw. VII. c. 90, and amendment of 2 Geo. V. c. 17, s. 37.*

### *Canals, Ditches, Wires, etc.*

**111.**—(1) When any person having authority to create, develop, enlarge or change any water power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

(2) Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans show-

ing

ing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

Terms of  
order.

(3) The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing, and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and may order that detailed plans, drawing and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. *New. See R.S.C. c. 37, s. 249.*

### *Farm Crossings.*

Farm cross-  
ings.

**112.**—(1) Every company shall make crossings for persons across whose land the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

Care of  
live stock.

(2) Live stock in using such crossing shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. 6 Edw. VII. c. 30, s. 86 (1), and *see R.S.C. c. 37, s. 252.*

Necessary  
crossings  
may be  
ordered by  
Board.

**113.**—(1) The Board may, upon the application of any landowner, order the company to provide and construct a suitable crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest.

Details.

(2) The Board may order and direct how, when, where, by whom, and upon what terms and conditions, such crossing shall be constructed and maintained. 6 Edw. VII. c. 30, s. 86 (2), *amended.*

### *Fences, Gates and Cattle-guards.*

Fences, etc.,  
to be kept  
up.

**114.**—(1) The company shall erect and maintain upon the railway:—

Fences to  
be erected  
on each  
side of  
railway.

(a) fences of a minimum height of four feet six inches  
- on each side of the railway;

(b)

(b) swing gates in such fences, of the height of the <sup>Gates.</sup> fence, with proper hinges and fastenings, at farm crossings: provided that sliding or hurdle gates, constructed before the 14th day of May, 1906, may be maintained; and

(c) cattle-guards, on each side of the highway, at every <sup>Cattle-guards.</sup> highway crossing at rail-level with the railway.

(2) The railway fences at every such crossing shall be <sup>Fences to be turned into cattle guards.</sup> turned into the respective cattle-guards on each side of the highway.

(3) Subsections 1 and 2 shall not apply where a railway <sup>Where railway operated along highway.</sup> is being operated along a public highway.

(4) Such fences, gates and cattle-guards shall be suitable <sup>To be suitable.</sup> and sufficient to prevent cattle, horses and other animals from getting on the railway lands. 6 Edw. VII. c. 30, s. 87 (1), (2), *amended*, and 9 and 10 Edw. VII. (Dom.), c. 50, s. 5.

(5) The Board may, upon application made to it by the <sup>Exemption by Board.</sup> company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle guards, where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.

(6) Where the railway is being constructed through en- <sup>Where lands are enclosed.</sup> closed lands, it shall be the duty of the company to take effective measures to prevent cattle or other animals escaping from or getting upon such enclosed lands or upon the property of the company by reason of any act or thing done by the company, its contractors, agents or employees. *New. See* 1 and 2 Geo. V. (Dom.), c. 22, s. 9.

(7) The persons for whose use farm crossings are fur- <sup>Land owners must close gates at farm crossings.</sup> nished shall keep the gates at each side of the railway closed when not in use. 6 Edw. VII. c. 30, s. 87 (5), *part*.

**115.** Where the railway passes alongside of and im- <sup>Fencing line adjoining highway.</sup> mediately adjacent to a public highway, the company shall not be required to erect and maintain a fence between the company's land and the highway unless the Board otherwise orders or directs; but where the railway is diverted from alongside of the highway the company shall erect and maintain cattle-guards at the point of diversion and the railway fences at such point shall be turned into the cattle-guards. 8 Edw. VII. c. 44, s. 6.



*Bridges, Tunnels and other Structures.*

Headway  
in tunnels  
and bridges.

**116.**—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beam, member, or portion of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder.

Powers of  
Board to  
order alter-  
ation.

(2) The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure when so reconstructed or altered shall thereafter be maintained accordingly.

Space.

(3) Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the 14th day of May, 1906, shall in no case be less than twenty-two feet six inches.

Structures  
not owned  
by company.

(4) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may  
exempt cer-  
tain struc-  
tures.

(5) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains, except such as are equipped with air brakes, are run. R.S.O. 1897, c. 266, s. 4; 6 Edw. VII. c. 30, s. 88 (1-3), and *see* R.S.C. c. 37, s. 256 (2), (3).

Penalty.

(6) Every company or owner shall incur a penalty not exceeding \$50 for each day of wilful neglect, omission or refusal to obey the provisions of this section. 6 Edw. VII. c. 30, s. 88 (4).

Certain  
alterations.

**117.**—(1) The company shall not commence the construction or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the

span

span, or proposed span or spans, or length of which exceeds <sup>Board to approve.</sup> eighteen feet, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

(2) Upon any application to the Board for such leave, the <sup>Application therefor.</sup> company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, or reconstructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation require. 6 Edw. VII. c. 30, s. 89, and *see* R.S.C. c. 37, s. 257 (1), (2).

(3) Upon any such application the Board may,— <sup>Powers of Board.</sup>

(a) make such order with regard to the construction of <sup>Terms.</sup> such work, and upon such terms and conditions, as it deems expedient;

(b) make alterations in the detail plans, profiles, draw- <sup>Alterations.</sup> ings and specifications so submitted;

(c) give directions respecting the supervision of any <sup>Supervision.</sup> such work; and,

(d) require that such other works, structures, equip- <sup>Other works.</sup> ment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public.

(4) Upon such order being granted the company shall be <sup>Company may construct.</sup> authorized to construct such works in accordance therewith.

(5) Upon the completion of any such work the company <sup>Board to authorize operation.</sup> shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. *New.* *See* R.S.C. c. 37, s. 257 (3), (4), (5).

### *Highway Crossings.*

**118.**—(1) Subject to the provisions of this Act respect- <sup>Railway on highway.</sup> ing the operation of railways along highways, and subject to

the

Consent of  
municipal-  
ity.

the company not being a street railway company making such compensation to adjacent or abutting landowners whose lands are injuriously affected whether structurally or otherwise by the construction or operation of the railway as the Board deems proper, the railway of the company may be carried upon, along, or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter authorized; but the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway along any highway which is within the limits of any city or town, until the company has first obtained consent therefor by a by-law of such city or town.

Highway  
to be  
kept open.

(2) The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and on completion of the works shall restore the highway to as good a condition as it was originally in. 6 Edw. VII. c. 30, s. 90 (1), (2); *See* R.S.C. c. 37, s. 235; 1 and 2 Geo. V. (Dom.), c. 22, s. 6.

Penalty.

(3) Every company which contravenes the provisions of this section shall incur a penalty of not less than \$40 for each such contravention. 6 Edw. VII. c. 30, s. 90 (3).

Variation of  
inch be-  
tween rail  
and levels  
of highways  
permitted.

**119.** Whenever the railway crosses any highway at rail-level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. 6 Edw. VII. c. 30, s. 91, and *see* R.S.C. c. 37, s. 236.

Plan of  
crossing  
highway. of

**120.**—(1) Upon any application for leave to construct a railway upon, along or across any highway, or to construct a highway along or across any railway, the applicant shall submit to the Board a plan and profile showing the portion of the railway and highway affected.

Powers of  
Board.

(2) The Board may, by order, grant such application in whole or in part and upon such terms and conditions as to protection, safety and convenience of the public as the Board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger

or

or obstruction, in the opinion of the Board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing. 6 Edw. VII. c. 30, s. 92 (1) and *see* 8 and 9 Edw. VII. (Dom.) c. 32, s. 4, *part*.

(3) When the application is for the construction of the railway upon, along or across a highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board. <sup>As to land required.</sup>

(4) The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. <sup>Supervision.</sup>

(5) When the Board orders the railway to be carried over or under the highway, or the highway to be carried over or under the railway, or any diversion temporarily or permanently of the railway or the highway, or any works to be executed under this section, the Board may direct that detailed plans, profiles, drawings and specifications, be submitted to the Board. <sup>Details to be approved by Board.</sup>

(6) The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. *New.* *See* 8 and 9 Edw. VII. (Dom.), c. 32, s. 4, *part*. <sup>Regulations by Board.</sup>

**121.** The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. *New.* *See* R.S.C. c. 37, s. 239. <sup>Foot bridges.</sup>

**122.** The highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the 14th day of May, 1906, be less than fourteen feet, unless otherwise directed or permitted by the Board. 6 Edw. VII. c. 30, s. 92 (2). <sup>Overhead crossings.</sup>

**123.**—(1) Where a railway is already constructed upon, along or across any highway, the Board may, upon its own motion, or upon complaint or application, by or on behalf of the Crown, or any municipal or other corporation, or any <sup>Powers of Board as to existing crossings.</sup> person

person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway and may cause inspection of such portion and may inquire into and determine all matters and things in respect of such portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected. 6 Edw. VII. c. 30, s. 93 *amended*, and see 8 and 9 Edw. VII. (Dom.), c. 32, s. 5, *part*.

Provisions  
as to com-  
pensation.

(2) When the Board of its own motion, or upon complaint or application, makes any order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

Apportion-  
ment of cost  
of changes.

(3) Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of section 124 of this Act, order what portion, if any, of the cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the Board under this or the preceding section, and such order shall be binding on and enforceable against any railway company, municipal or other corporation or person named in such order. *New. See 8 and 9 Edw. VII. (Dom.), c. 32, s. 5, part.*

Railways  
hereafter  
constructed  
to provide  
for safety  
of public  
at highway  
crossings.

**124.** Where a railway is constructed after the passing of this Act, the company shall, at its own cost and expense, unless and except as otherwise provided by agreement, approved of by the Board, between the company and a municipal or other corporation or person, provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway. *New. See 8 and 9 Edw. VII. (Dom.), c. 32, s. 6.*

**125.** Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. 6 Edw. VII. c. 30, s. 94. *Amended.* And see 8 and 9 Edw. VII. (Dom.), c. 32, s. 8, *part.*

All structures must be safely constructed and maintained.

**126.**—(1) The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

Inclination of highway.

(2) A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made on each side of such approach, and of the structure connected with it. 6 Edw. VII. c. 30, s. 95.

Fencing approaches.

**127.** Signboards at every highway crossed at rail level by any railway shall be erected and maintained at each crossing, and shall have the words "Railway Crossing" painted on each side thereof, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding \$10 recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 96, and see R.S.C. c. 37, s. 243 (1).

Signboards at level crossings.

Penalty.

**128.**—(1) Where a level crossing on any railway is out of repair, the head of the municipality under the jurisdiction of whose council the highway is may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, the head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall forthwith appoint a day when he will examine into the matter; and he shall, by mail, give notice to the head of the municipality, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the Inspector determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon forthwith comply with the requirements of the certificate; and in case of default, the corporation of the municipality may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company.

Railway may be required to repair any level crossing out of repair.

Notice.

Inspector's certificate to be conclusive.



Payments of  
inspectors.

(2) The Inspector shall be entitled to be paid \$10 and actual travelling expenses while engaged on the inspection, and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall affect any liability otherwise attaching to such company in the premises. 6 Edw. VII. c. 30, s. 97.

### *Crossings and Junctions.*

Railway  
crossings  
and junc-  
tions.

**129.**—(1) The railway lines or tracks of any company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company until leave therefor has been obtained from the Board as hereinafter provided. 6 Edw. VII. c. 30, s. 98 (1), and *see* R.S.C. c. 37, s. 227 (1), *part.*

Power of  
the Board

Proceedings  
on applica-  
tion to  
Board.

(2) Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require.

Order of  
Board.

(3) The Board may by order:—

- (a) grant such application on such terms as to protection and safety as it may deem expedient;
- (b) change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction;
- (c) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;
- (d) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;
- (e) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;

(f)



(f) give directions as to supervision of the construction <sup>Supervision</sup> of the works; and, <sub>of works.</sub>

(g) require that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

(4) No trains shall be operated on the lines or tracks of <sup>Order</sup> the applicant, over, upon or through such crossing or junction <sup>authorizing</sup> until the Board grants an order <sup>operation.</sup> authorizing such operation.

(5) The Board shall not grant such order until satisfied <sup>When order</sup> that its orders and directions have been carried out, and that <sup>may be</sup> the provisions of this section have been complied with. 6 <sup>granted.</sup> Edw. VII. c. 30, s. 98 (2-5), and *see* R.S.C. c. 37, s. 227 (2-5).

(6) The Board may order the adoption and use at any <sup>Safety</sup> such crossing or junction, at rail levels of such interlocking <sup>appliances</sup> switch, derailing device, signal system, equipment, <sup>on rail-level</sup> appliances and materials, as in the opinion of the Board will <sup>crossings.</sup> render it safe for engines and trains to pass over such crossing or junction without being brought to a stop. 6 Edw. VII. c. 30, s. 98 (6), and *see* R.S.C. c. 37, s. 229.

**130.**—(1) Where the lines or tracks of one railway are <sup>Connections</sup> intersected or crossed by those of another, or upon any appli- <sup>of intersect-</sup> cation for leave to make any intersection or crossing, or in <sup>ing rail-</sup> any case in which the tracks or lines of two different railways <sup>way lines.</sup> run through or into the same city, town or village, the Board may, upon the application of one of the companies, or of a municipal corporation or other public body, or of any person interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

(2) In and by the order for such connection, or from time <sup>Terms and</sup> to time subsequently, the Board may determine by what <sup>costs.</sup> company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connection shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another. *New. See* R.S.C. c. 37, s. 228.

Case of  
Intersection  
with a rail-  
way author-  
ized by the  
Dominion  
Parliament.

**131.**—(1) Where the lines or tracks of any railway, the construction or operation of which is authorized by this Legislature are intersected or crossed by those of a railway, the construction or operation of which is authorized by the Parliament of Canada, or in any case in which the lines or tracks of any two such railways run through or into the same city, town or village, and it is desired by one of such companies or by any municipal corporation or other public body, or any person interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines and trains from the lines or tracks of one railway to those of another, and for the reasonable receiving, forwarding, delivering, and interswitching of traffic between such railways, the following proceedings may be had and taken:—

Application  
to Board  
and to Do-  
minion  
Board.

(a) Either of such companies, or any municipal corporation or other public body, or any person interested, may file with the Secretary, and with the Secretary of the Board of Railway Commissioners for Canada, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies interested or affected, and where the application is not made by the municipal corporation, upon the head of the municipal corporation of the municipality within which the proposed connection is to be made.

Joint order  
of boards.

(b) After the receipt of the application, the Board, and the Board of Railway Commissioners for Canada, may, by joint session or conference, in conformity with the practice to be established by them, hear and determine the application, and may order that the lines and tracks of such railways shall be so connected at or near the point of intersection, or in or near such city, town or village, upon such terms and conditions and subject to such plans as they may deem proper.

Rules for  
such appli-  
cations.

(c) The Chairman of the Board, and the Chairman of the Board of Railway Commissioners for Canada, may make rules of procedure and practice covering the making of such applications and the hearing and disposition thereof, and may vary, alter or rescind the same from time to time.

(d)

(d) The Chairman of the Board, and the Chairman of the Board of Railway Commissioners for Canada, may from time to time assign or appoint from each Board the members comprising the Joint Board that may be required to sit for the hearing and determining of such applications, as they arise.

(e) The order aforesaid may be made a rule of the Exchequer Court of Canada, and may be enforced in like manner as a rule, order or decree of such Court.

(2) "Railway" for the purposes of this section shall include a steam or electric railway, street railway, tramway and incline railway. 1 Geo. V. c. 52, s. 1, and *see* 1 and 2 Geo. V. (Dom.), c. 22, s. 5.

### *Mines and Minerals.*

**132.** The company shall not without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. 6 Edw. VII. c. 30, s. 99.

**133.**—(1) The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils, gas or other minerals in or under any land purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works. 6 Edw. VII. c. 30, s. 100, *part amended*, and *see* R.S.C. c. 37, s. 170 (1).

(2) All such mines and minerals, except as provided by subsection 1, shall be deemed to be excepted from the conveyance of such land, unless they have been expressly named therein and conveyed thereby. 6 Edw. VII. c. 30, s. 100. *part amended*, and *see* R.S.C. c. 37, s. 170 (2).

**134.**—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

Application  
for leave of  
Board.

(2) Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection  
and safety  
of the  
public.

(3) The Board may grant such application upon such terms and conditions for the protection and safety of the public as the Board deems expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. 6 Edw. VII. c. 30, s. 101, and *see* R.S.C. c. 37, s. 171.

Compensa-  
tion by  
company  
for loss by  
severance  
of mine.

**135.** The company shall, from time to time, pay to the owner, lessee, or occupier, of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the land lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway. 6 Edw. VII. c. 30, s. 102.

Power of  
company to  
enter mines  
for purpose  
of ascer-  
taining  
whether  
working  
endangers  
railway.

**136.** If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to be detrimental to the safety of the public using the railway or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. 6 Edw. VII. c. 30, s. 103.

Penalty for  
refusing  
company  
access to  
mines

**137.** If the owner, lessee, or occupier of any such mine refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall,

for

for every such refusal, forfeit to the company a sum not exceeding \$100. 6 Edw. VII. c. 30, s. 104.

NOTE.—*Sec. 105 as to weeds on Company's land omitted.*  
*See now 2 Geo. V. c. 68.*

### *Prevention of Fire.*

**138.** The company shall at all times maintain and keep <sup>Prevention.</sup> its right of way free from dead or dry grass, weeds and other unnecessary inflammable matter. 6 Edw. VII. c. 30, s. 106 (1).

**139.**—(1) Whenever damage is caused to any property <sup>Liability for fire caused by locomotive.</sup> by a fire started by any railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage, but if it is shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company <sup>Proviso.</sup> under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed \$5,000. 6 Edw. VII. c. 30, s. 106 (2), *part*, and *see* 1 and 2 Geo. V. (Dom.), c. 22, s. 10, *part*.

(2) If there is any insurance existing on the property <sup>Insurance.</sup> destroyed or damaged the total amount of damages sustained by any claimant shall be reduced by the amount accepted or recovered by or for the benefit of such claimant in respect of such insurance.

(3) No action shall lie against the company by reason of <sup>Railway company not affected by insurance contract.</sup> anything in any policy of insurance or by reason of payment of any money thereunder.

(4) The limitation of one year prescribed by section 266 <sup>Limitation.</sup> shall run from the date of final judgment in any action brought by the assured to recover such insurance money, or, in the case of settlement, from the date of the receipt of such moneys by the assured, as the case may be. *New.* *See* 1 and 2 Geo. V. (Dom.), c. 22, s. 10, *part*.

(5) The compensation, in case the total amount recovered <sup>Apportionment of compensation.</sup> therefor is less than the claims established, shall be apportioned amongst the persons who suffered the loss, as the court or judge may determine. 6 Edw. VII. c. 30, s. 106 (2), *part*, and *see* 1 and 2 Geo. V. (Dom.), c. 22, s. 10, *part*.

(6)

Insurable  
interest in  
property.

(6) The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon on its own behalf. 6 Edw. VII. c. 30, s. 106 (3), and see 1 and 2 Geo. V. (Dom.), c. 22, s. 10, *part*.

Powers of  
Board as to  
fire guards.

**140.** The Board may order, upon such terms and conditions as it deems expedient, that fire guards be established and maintained by the company along the route of its railway and upon any land of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of any such order, the company may at all times enter into and upon any such land for the purpose of establishing and maintaining such fire guards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway. *New.* See 1 and 2 Geo. V. cap. 22 (Dom.), s. 10, and see *The Forest Fire Protection Act*.

### *Limitation of Time for Construction.*

Time for  
construction  
limited  
as changed  
to be made  
applicable  
to street  
railway.

**141.** If the construction of the railway, street railway, or incline railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon within two years after the passing of the Special Act, or in case of a railway other than a street railway, if the railway is not finished and put in operation within five years from the passing of such Act, the powers granted by it or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. 6 Edw. VII. c. 30, s. 111.

### *Use of Steam During Construction.*

Electric  
companies  
may use  
steam for  
construc-  
tion.

**142.** A company while constructing a line of railway to be operated by electricity on a right of way owned by the company may use steam as a motive power during such construction and at other times for construction purposes. 6 Edw. VII. c. 30, s. 112.

### *Contracts for Construction.*

Contracts  
for con-  
struction of  
line, etc.

**143.** The company may contract with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, includ-

ing



ing or excluding the purchase of right of way, and may pay therefor either in whole or in part, in cash or in bonds, or in paid-up stock of the company, and may pay or agree to pay in such paid-up stock or bonds such sums as it may deem <sup>Payment in stock or bonds.</sup> expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting them, and furthering the undertaking or purchasing the right of way, material, plant or rolling stock, but no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash. 6 Edw. VII, c. 30, s. 113 (1).

#### OPERATION AND SERVICE.

##### *Regulations governing the Running of Trains.*

**144.** All regular trains shall be started and run as nearly <sup>Trains to start at regular hours.</sup> as practicable at regular hours fixed by public notice. 6 Edw. VII. c. 30, s. 114. *Part.* See R.S.C. c. 37, s. 270.

**145.**—(1) Every company shall have a blackboard put <sup>Notice at stations.</sup> upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such <sup>Overdue trains.</sup> company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time-table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the <sup>Time when expected to be stated.</sup> time when such overdue train or car may be expected to reach such station.

(2) If there is any further change in the expected time <sup>Further changes.</sup> of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

(3) Every such company, station agent or person in <sup>Penalty for omission.</sup> charge at any such station, shall incur a penalty not exceeding \$5 for every wilful neglect, omission or refusal to obey  
the



the provisions of this section, recoverable under *The Ontario Summary Convictions' Act*. 6 Edw. VII. c. 30, s. 129.

Accommo-  
dation.

**146.—(1)** The company shall:

At all  
stations.

(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

Carriage  
and  
delivery.

(b) furnish adequate and suitable accommodation for the carrying, unloading, and delivering of all such traffic;

No delay.

(c) without delay, and with due care and diligence, receive, carry, and deliver all such traffic; and,

Appliances.

(d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic. 6 Edw. VII. c. 30, s. 128 (1) *amended*, and see R.S.C. c. 37, s. 284 (1).

What  
adequate  
and suit-  
able accom-  
modation  
shall  
include.

(2) Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways. *New. See R.S.C. c. 37, s. 284 (2).*

May be  
ordered by  
Board.

(3) If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act. 6 Edw. VII. c. 30, s. 128 (4), and see R.S.C. c. 37, s. 284 (3).

Payment  
of tolls.

(4) Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll

toll lawfully payable therefor. 6 Edw. VII. c. 30, s. 128 (2), and *see* R.S.C. c. 37, s. 284 (4).

(5) Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, the Board may order the company to so regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose.

Board may regulate time so as to allow connections to be made between railways for passengers and mails.

(6) For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company, or companies, or by railway companies generally. *New. See* R.S.C. c. 37, s. 284 (5), (6).

Specific works may be ordered by Board.

(7) Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section, shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servants. 6 Edw. VII. c. 30, s. 128 (3), and *see* R.S.C. c. 37, s. 284 (7).

Right of action on default.

(8) The Board may make regulations, applying generally or to any particular railway or any portion thereof, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges. *New. See* 7 and 8 Edw. VII. c. 61, s. 10 (Dom.).

Demurrage

**147.** Every employee of the company employed in a passenger train or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he

Employees in passenger trains or stations to wear badges.

he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. 6 Edw. VII. c. 30, s. 115.

**Expulsion  
on refusal  
to pay fare.**

**148.** The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. 6 Edw. VII. c. 30, s. 116.

**No claim  
for injuries  
in certain  
cases.**

**149.** No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 6 Edw. VII. c. 30, s. 117.

**Position of  
passenger  
cars.**

**150.**—(1) No passenger train shall have any freight, merchandise, or lumber car in the rear of any passenger car in which any passenger is carried.

**Penalty for  
violation.**

(2) Every officer or employee of a company who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall incur a penalty not exceeding \$10, recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 118. *Amended.*

**Baggage  
checks.**

**151.**—(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

**Excess  
baggage.**

(2) In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act.

**Liability  
for refusing  
to check  
baggage.**

(3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of \$8, recoverable by action.

**Saving.**

(4) This section shall not apply to any train or car operated by electricity unless the Board so orders. 6 Edw. VII. c. 30, s. 119.

**152.**—(1) No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature. <sup>Transportation of dangerous goods.</sup>

(2) Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. <sup>Nature must be marked on outside. Notice.</sup>

(3) Every person who contravenes this section shall forfeit to the company the sum of \$500 for every such contravention. 6 Edw. VII. c. 30, s. 120. <sup>Penalty.</sup>

**153.**—(1) The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. <sup>Company may refuse to carry.</sup>

(2) The company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "Dangerous Explosives." <sup>Carriage of such goods.</sup>

(3) For each neglect to comply with the provisions of this section, the company shall incur a penalty of \$500. 6 Edw. VII. c. 30, s. 121. <sup>Penalty.</sup>

### *Crossing Draw or Swing Bridge.*

**154.**—(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not thereafter proceed until a proper signal has been given for that purpose. <sup>Trains to stop at swing bridges.</sup>

(2) In default the company shall incur a penalty not exceeding \$400. <sup>Penalty. Company.</sup>

(3) Any employee who fails to comply with the rules of the company made for carrying into effect the provisions of this section shall incur a penalty not exceeding \$400, recoverable under *The Ontario Summary Convictions Act*, and upon conviction shall also be liable to imprisonment for any term not exceeding six months or both. <sup>Employee. 10 Edw. VII. c. 37.</sup>

Where safety devices installed Board may otherwise order.

(4) Wherever there is in use on any railway at any such bridge an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper. 6 Edw. VII. c. 30, s. 122. (1), (2).

### *Crossing Highways.*

Use of bell and whistle.

**155.**—(1) When any train is approaching a highway crossing at rail-level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of sounding the whistle until the engine has crossed such highway.

Electric cars or locomotives.

(2) In the case of a car or locomotive operated by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing.

Penalty.

(3) The company shall for each neglect to comply with the provisions of this section incur a penalty of \$8, recoverable under *The Ontario Summary Convictions Act*, and shall also be liable for all damage sustained by any person by reason of such neglect.

Damages.

Penalty on employee.

(4) Every employee of the company who neglects to comply with this section shall for each offence incur a like penalty.

Exception.

(5) This section shall not apply to trains approaching such a crossing within the limits of a city or town where a municipal by-law is in force prohibiting the sounding of the whistle or gong or the ringing of the bell. 6 Edw. VII. c. 30, s. 123, and see R.S.C. c. 37, s. 274.

Signal at rail-level crossings.

**156.**—(1) No train shall pass over any crossing where two main lines of railway or the main tracks of any branch lines cross each other at rail-level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor, engineer or motor-man in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear.

Electric railway crossings.

(2) In the case of an electric car crossing any railway track at rail-level if there is no competent person or watch-

man

man in charge of the crossing it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. 6 Edw. VII. c. 30, s. 124 (1), (2). *Amended*, and see R.S.C. c. 37, s. 277.

(3) Every train shall, before it passes over any such cross-<sup>Stoppage of trains at rail-level crossings.</sup>ing, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit trains to pass over such crossing without being brought to a stop, the Board may, by order, <sup>Where safety devices are installed otherwise order.</sup> permit such trains to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper.

(4) Nothing in this section shall apply to a case in which <sup>Where Dominion Board has made order.</sup> the Dominion Railway Commission has jurisdiction to make an order and has made an order for the protection of such crossing. 6 Edw. VII. c. 30, s. 124 (3), (4), and see R.S.C. c. 37, s. 278.

**157.**—(1) No train shall pass in or through any <sup>Rate of speed in unfenced portions of cities.</sup> thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board.

(2) The Board may limit such speed in any case to any <sup>Board may limit.</sup> rate which it deems expedient. *New.* See R.S.C. c. 37, s. 275.

(3) Subject to the provisions of subsection 5 of this section, no train shall pass over any highway crossing at rail-<sup>Rate of speed at rail-level crossings in cities, towns and villages.</sup>level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions of the Board in force with respect to such crossing, or unless permission is given by some regulation or order of the Board.

(4) The Board may from time to time fix the speed in <sup>Board may direct.</sup> any case at any rate that it deems proper.

(5) No train shall pass over any highway crossing at rail-<sup>Rate of speed at certain crossings.</sup>level at a greater speed than ten miles an hour, if at such crossing an accident has happened subsequent to the first day



day of January, 1905, by a moving train causing bodily injury or death to a person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; and no train shall pass over any highway crossing at rail-level at a greater speed than ten miles an hour in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with. *New.* See 8 and 9 Edw. VII. (Dom.), c. 32, s. 13, and 9 and 10 Edw. VII. (Dom.), c. 50, s. 15.

Trains or  
cars moving  
reversely  
in cities,  
etc.

**158.**—(1) Whenever in any city, town or village any train is passing over or along a highway at rail-level, and is not headed by an engine or electric car moving forward in the ordinary manner, the company shall station on that part of the train or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway.

Penalty.

(2) For every violation of any of the provisions of this section, or of any of the next preceding three sections, the company shall incur a penalty of \$100, recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 125, *amended*, and see R.S.C. c. 37, s. 276.

10 Edw. VII.  
c. 37.

Trains must  
not stand on  
rail-level  
crossings  
more than  
five minutes.

**159.**—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time, or for any less period which the Board may prescribe. 6 Edw. VII. c. 30, s. 126 (1) *amended*.

Penalty.

(2) For every violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, shall incur a penalty not exceeding \$50, recoverable under *The Ontario Summary Convictions Act*, and the company shall also for each such violation incur a like penalty, but if such alleged violation is in the opinion of the justice excusable, the prosecution for the penalty may be dismissed; and the costs shall be in his discretion. 6 Edw. VII. c. 30, s. 126 (2).

10 Edw. VII.  
c. 37.

Where  
violation  
excusable.



### *Sleeping and Parlour Cars.*

**160.**—(1) The company may contract with any person <sup>Sleeping and parlour</sup> for the hauling by the special or regular trains of the com-<sup>cars.</sup> pany, of the parlour, drawing-room or sleeping cars of such person in which extra accommodation is furnished.

(2) Such person may charge for the carriage and trans-<sup>May charge</sup> portation of persons and property therein such reasonable <sup>for extra</sup> compensation as may be fixed by the Board for such extra <sup>accommoda-</sup> accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company.

(3) The company so contracting shall be liable in the <sup>Liability of</sup> same way and to the same extent as if the cars were owned <sup>company.</sup> by it.

(4) Nothing in this section shall relieve the company <sup>Other obli-</sup> from the obligation to furnish sufficient ordinary cars for <sup>gations not</sup> the reasonable accommodation of the travelling public. 6 <sup>affected.</sup> Edw. VII. c. 30, s. 127.

### *Stations.*

**161.**—(1) The company shall, when thereto directed by <sup>Station</sup> order of the Board, maintain and operate stations, with such <sup>accommoda-</sup> accommodation or facilities in connection therewith as are <sup>tion.</sup> defined by the Board, at such points on the railway as are designated in such order. *New. See R.S.C. c. 37, s. 258* (3), *part.*

(2) Every station of the company shall be erected, oper-<sup>To be</sup> ated and maintained with good and sufficient accommodation <sup>suitable.</sup> and facilities for traffic.

(3) Before the company proceeds to erect any station upon <sup>Location to</sup> its railway, the location of such station shall be approved of <sup>be approved</sup> by the Board. *New. See R.S.C. c. 37, s. 258* (1), (2).

(4) No station established by a company for the reception <sup>Stations not</sup> or delivery of passengers or property, or both, shall be dis- <sup>to be dis-</sup> continued without the consent of the Board. <sup>continued.</sup>

(5) Upon the written complaint of ten or more persons <sup>Complaint</sup> interested setting forth that any of the provisions of this <sup>of ten citi-</sup> Act as to station accommodation or stopping places are being <sup>zens as to</sup> violated by the company the Board shall forthwith investi- <sup>station</sup> gate the complaint, and if upon such investigation it is <sup>accommoda-</sup> found that such violation exists the Board shall issue an <sup>tion.</sup> order

order to the company setting forth the nature of the improvements required and shall direct that the same be completed within such time as the Board may deem proper. 6 Edw. VII. c. 30, s. 128, (5), (6).

Conditions  
against  
negligence  
invalid.

(6) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants. 6 Edw. VII. c. 30, s. 128 (3).

*Sections 130 to 146 (Municipal bonuses and loans) and sections 148 and 149 (application to street railways and exemption from taxation) transferred to Municipal Act.*

#### MUNICIPAL BONUSES.

Mayor, etc.,  
to be *ex*  
officio a  
director in  
certain  
cases.

**162.**—(1) Where a municipal corporation grants a bonus or makes a gift to the company to the amount of \$20,000, or upwards, or holds stock in the company to that amount, the head of the municipality shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, and shall have the same rights, powers and duties as any of the directors of the company. 6 Edw. VII. c. 30, s. 147 *amended*.

Municipal  
corporation  
not to  
part with  
control  
without  
assent of  
electors.

3-4 Geo. V.  
c. 43.

(2) A municipal corporation owning or having a controlling interest in the capital stock of a railway, electric railway, street railway or incline railway shall not dispose of the railway or its stock so as to deprive it of such controlling interest except under the authority of a by-law passed with the assent of the municipal electors in accordance with the provisions of *The Municipal Act*.

#### BY-LAWS, RULES AND REGULATIONS.

Company's  
by-laws  
respecting—

**163.** The company may, subject to the provisions and restrictions in this and in the Special Act, make by-laws, rules or regulations respecting:

- Speed. (a) the mode by which, and the speed at which, any rolling stock used on the railway is to be moved;
- Timetables. (b) the hours of the arrival and departure of trains;
- Loads. (c) the loading and unloading of cars, and the weights which they are respectively to carry;
- Freight regulations. (d) the receipt and delivery of traffic;

(e)

- (e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company; Nuisances.
- (f) the travelling upon or the using or working of, the railway; Traffic and operation.
- (g) the employment and conduct of the officers and employees of the company; Conduct.
- (h) the due management of the affairs of the company; and Management.
- (i) the number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them. Passengers.

**164.** The company may, for the better enforcing the observance of any such by-law, rule or regulation, prescribe a penalty not exceeding \$25 for any violation thereof by an officer or employee of the company, but no such penalty shall be recoverable except under *The Ontario Summary Convictions Act*, which shall apply to proceedings for the recovery thereof. 6 Edw. VII. c. 30, s. 150. Penalty for violation of by-laws.

**165.** All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. 6 Edw. VII. c. 30, s. 152. Essentials to validity of by-laws.

**166.** All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally or impose penalties, shall be submitted to the Board for approval, and the Board may approve of them or any of them, or any part thereof, and may, from time to time, rescind its approval, and until so approved, or after such approval has been rescinded, no such by-law, rule or regulation shall have any force or effect. 6 Edw. VII. c. 30, s. 153. Must be approved by Board.

**167.** Such by-laws, rules and regulations while so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder. 6 Edw. VII. c. 30, s. 156. By-laws, etc., binding when approved.

**168.**—(1) A printed copy of so much of any by-law, rule or regulation as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed and kept affixed to a conspicuous part of every station Publication of by-laws, etc.

station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby. 6 Edw. VII. c. 30, s. 154.

Publication  
of by-laws,  
etc., affect-  
ing trustees.

(2) A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected. 6 Edw. VII. c. 30, s. 155.

Summary  
interference  
in certain  
cases.

**169.** If the violation or non-observance of any by-law, rule or regulation is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect of such violation or non-observance. 6 Edw. VII. c. 30, s. 157.

Evidence  
of by-laws.

**170.** A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court. 6 Edw. VII. c. 30, s. 158.

Of docu-  
ments  
authorized.

**171.** Every written or printed document purporting to have been issued or authorized by a company, or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document. 6 Edw. VII. c. 31, s. 50 (2).

By-laws,  
etc., to be  
subject to  
agreements  
with munici-  
palities.

**172.** All by-laws, rules and regulations of a company operating its railway by electricity partly or wholly on a highway or of a street railway company shall be subject to any agreement between such company and the municipal corporation owning or maintaining such highway. 6 Edw. VII. c. 30, s. 159.

*Section 160 as to notice omitted.*

#### INSPECTION OF RAILWAYS.

##### *Inspecting Engineers.*

Appointment  
of inspect-  
ing en-  
gineers.

**173.**—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council.

(2) It shall be the duty of every such inspecting engineer, <sup>Duties.</sup> upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or power or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board may direct, and forthwith to report fully thereon in writing to the Board.

(3) Every such inspecting engineer shall have the same <sup>Powers of inspection.</sup> powers with regard to any such inspection as by section 53 of *The Ontario Railway and Municipal Board Act* are conferred on an inspecting engineer. <sup>3-4 Geo. V. c. 37.</sup>

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as <sup>Duties of company respecting inspecting engineers.</sup> is within their knowledge and power, in all matters inquired into by him, and shall submit to him all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

(5) Every such inspecting engineer shall have the right, <sup>Inspecting engineers may travel free.</sup> while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph and telephone wires and machinery in the offices of, or under the control of, any such company. <sup>Use telegraph and telephone wires, etc.</sup>

(6) The operators, or officers, employed in the telegraph or telephone offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, incur a penalty of not exceeding \$40, recoverable under *The Ontario Summary Convictions Act*. <sup>Transmission of telegrams or telephone. Penalty upon failure. 10 Edw. VII. c. 37.</sup>

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be sufficient evidence of the authority of such inspecting engineer. <sup>Proof of engineer's authority.</sup>

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty shall incur a penalty not exceeding \$40, recoverable under *The Ontario Summary Convictions Act*. <sup>Penalty for obstructing inspecting engineers.</sup> 6 Edw. VII. c. 30, s. 162, amended.

*Inspection*

*Inspection of Line.*

**174.**—(1) No railway, nor any portion of a railway, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

**Proceedings.** (2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that such railway, or portion thereof, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection.

**Inspection.** (3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened.

**When opening reported to be safe.** (4) If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

**When opening reported dangerous.** (5) If the inspecting engineer reports to the Board that in his opinion the opening of the railway or portion thereof would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.

**Provision for further inspection.** (6) If thereafter upon such further or other inspection or upon a new application under this section the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion

**Order for opening.**



tion thereof, as is authorized by the Board, may be opened for traffic in accordance with such order.

(7) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

(8) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs, shall forfeit to His Majesty the sum of \$200 for each day on which the railway or portion thereof is or continues open without such leave. 6 Edw. VII. c. 30, s. 163, and *see* R.S.C. c. 37, s. 261.

**175.**—(1) Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof.

(2) The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

(3) The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. 6 Edw. VII. c. 30, s. 164 (1) *amended*, and *see* R.S.C. c. 37, s. 262.

(4) If, after notice of any such order made by the Board, the company uses any rolling stock, which has been so condemned by the Board, or disobeys or fails to comply with any order of the Board made under this section, the company shall incur a penalty of \$2,000.



Aiding and  
abetting.

(5) Any person wilfully and knowingly aiding or abetting any such contravention shall incur a penalty of not less than \$20 nor more than \$200, recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 164 (2) *amended*, and see R.S.C. c. 37, s. 383. (1) (2)

10 Edw. VII.  
c. 37.

Inspecting  
engineer  
may forbid  
operation.

By notice.

**176.**—(1) If in the opinion of any inspecting engineer it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, he may, by notice, in writing,—

(a) forthwith forbid the running of any train over such railway or portion of railway; or,

(b) require that the same be run only at such times under such conditions and with such precautions as he by such notice specifies; and

(c) forbid the running or using of any such rolling stock.

What notice  
shall state.

(2) Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended.

Service of  
notice.

(3) The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock.

Action of  
Board.

(4) The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer.

Notice  
thereof.

(5) Notice of such confirmation, modification or disallowance shall be duly given to the company. 6 Edw. VII. c. 30, s. 165 (1) part, 165 (2) and see R.S.C. c. 37, s. 263.

Penalty for  
non-com-  
pliance.

(6) If any company refuses or neglects to comply with any order of the Board made under this section the company shall for each such refusal or neglect, forfeit to His Majesty the sum of \$2,000. 6 Edw. VII. c. 30, s. 165 (1), *part*.

Aiding or  
abetting.

10 Edw. VII.  
c. 37.

(7) Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance shall incur a penalty of not less than \$20, and not more than \$200, recoverable under *The Ontario Summary Convictions Act*.

(8)

(8) No prosecution for any penalty under this section shall be instituted without the authority of the Board. No prosecution without leave of Board.  
*New.* See R.S.C. c. 37, s. 383.

*Sections 166 and 167 transferred to The Ontario Railway and Municipal Board Act, sections 28 to 30 of that Bill.*

*Section 168 appears as section 265 (3) of this Bill.*

#### TOLLS.

##### *By-laws as to.*

**177.**—(1) The company or the directors of the company by by-law or any officer of the company thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid. By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

(2) The tolls may be either for the whole or any particular portion of the railway. For whole or part

(3) All such by-laws and tariffs shall be submitted to the Board for approval. To be approved by Board.

(4) The Board may approve such by-laws and tariffs in whole or in part, or may change, alter or vary any of the provisions therein. Board may approve in whole or in part or may change.

(5) No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by the Board; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board; nor shall the company charge, levy or collect any toll or money for any service as a common carrier, except under the provisions of this Act. 6 Edw. VII. c. 30, s. 169 amended; 173 (1) *part*; and see 7 and 8 Edw. VII. (Dom.) c. 61, s. 11, *part*. No tolls to be charged until by-law approved by Board.

(6) The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act hereinafter mentioned, make regulations fixing and determining the time when, the places where, and the manner in which the

the

the tariff shall be filed, published and kept open for public inspection. *New.* See 7 & 8 Edw. VII. c. 61, s. 11 (Dom.).

### *Express Tolls.*

**Approval of tolls.** **178.**—(1) All express tolls shall be subject to the approval of the Board.

**Disallowance of tolls.**

(2) The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all the powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act relating to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. *New.* See R.S.C. c. 37, s. 348.

**Tariff of tolls.**

**179.** Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. *New.* See R.S.C. c. 37, s. 349.

**Goods not to be carried until tariff is filed, or after disallowance.**

**180.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto, or in any case where the express toll, applicable to such carriage or transport has been disallowed by the Board. *New.* See R.S.C. c. 37, s. 350.

**Tolls not to be charged until filed and approved.**

**181.** No express toll shall be charged in respect of which there is default in such filing, or which is disallowed by the Board. *New.* See R.S.C. c. 37, s. 351, *part.*

**Board may define carriage by express.**

**182.** The Board may by regulation prescribe or in any particular case determine what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act. *New.* See R.S.C. c. 37, s. 352.

**Conditions limiting liability to be approved by Board.**

**183.**—(1) No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person

or corporation with respect to the collecting, receiving, carrying for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

(2) The Board may in any case or by regulation,—

Regulation  
of carriage  
by express.

(a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and

(b) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. *New. See R.S.C., c. 37, s. 353, part.*

**184.**—(1) Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods.

Annual  
return by  
company.

(2) Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. *New. See R.S.C. c. 37, s. 354.*

Form, etc.,  
of return.

**185.** Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,—

Carrying by  
express  
without  
filing tariff,  
etc.

(a) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,

(b) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,

(c) in any case where the express toll applicable to such carriage or transport has been disallowed by the Board;

shall be liable to a penalty not exceeding \$100 for each such offence. *New. See R.S.C., c. 37, s. 403.*

Penalty.

*Collection*

*Collection of Tolls.*

Collecting  
back  
charges  
on goods.

**186.**—(1) If the company pays the charges to which any goods which come into its possession are subject, the company shall have the same lien for the amount thereof upon such goods as the person to whom such charges were originally due, and shall be subrogated in respect of such charges to his rights and remedies.

Proceedings  
for re-  
covery.

(2) In case of refusal or neglect of payment on demand of any charges or any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction.

Seizure and  
detention  
of goods.

(3) The company may, instead of proceeding by action for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of  
goods to  
recover  
tolls.

(4) If the tolls are not paid within six weeks, and where the goods are perishable goods, if the tolls are not paid upon demand or if such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale.

Surplus,  
applica-  
tion of.

(5) The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

Unclaimed  
goods.

(6) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such newspapers as it deems necessary, sell such goods by public auction at a time and place which shall be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods.

Payment  
of balance.

(7) The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

When  
Province  
entitled.

(8) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be

paid

paid over to the Treasurer of Ontario, to be applied to the general purposes of the Province.

(9) Such balance may be claimed by the person entitled thereto, within six years of the date of such payment. Discrimination prohibited. 6 Edw. VII. c. 30, s. 170, and *see* R.S.C. c. 37, ss. 344, 345, 346, 347.

### *Equality.*

**187.**—(1) All such tolls shall always, under substantially similar circumstances and conditions in respect of all traffic of the same description and carried in or upon a like kind of cars passing over the same portion of the line of railway, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise. Limitation of claims.

(2) No reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway. Idem. 6 Edw. VII. c. 30, s. 173 (1), *part.*

(3) The tolls for larger quantities, greater numbers or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons. Proportionate decrease in tolls in certain cases. 6 Edw. VII. c. 30, s. 173 (2), and *see* R.S.C. c. 37, s. 315.

(4) The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities. Special rates for perishable goods. 6 Edw. VII. c. 30, s. 173 (3).

(5) No toll shall be charged which unjustly discriminates between different localities. Unjust discrimination between localities prohibited.

(6) The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll. Long and short haul clause.

(7) The Board may declare that any places are competitive points within the meaning of this Act. Competitive points. 6 Edw. VII. c. 30, s. 173 (4), and *see* R.S.C. c. 37, s. 315 (4-6).

(8) No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions Pooling prohibited.



visions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. 6 Edw. VII. c. 30, s. 173 (5) and *see* R.S.C. c. 37, s. 316.

### *Freight Classification and Tariffs.*

**188.**—(1) The tariff of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Ontario, as far as may be, having due regard to all proper interests.

(2) The Board may make any special regulations, terms and conditions in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

(3) The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower class; but no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the *Ontario Gazette*. *New.* *See* R.S.C. c. 37, s. 321, *part*.

**189.** All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. *New.* *See* R.S.C. c. 37, s. 322.

**190.**—(1) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

(2) The Board may designate the date at which any tariff shall come into force.

(3) Any tariff in force, except standard tariffs, herein-after mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by tariffs, in accordance with the provisions of this Act.

(4)



(4) When any tariff has been amended or supplemented from time to time, the Board may order that a consolidation and reissue of such tariff be made by the company. *New.* See R.S.C. c. 37, s. 323. Consolidation and re-issue.

**191.**—(1) In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile. Fraction of a mile.

(2) In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or "smalls" toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds. Fraction of five pounds in weight.

(3) In estimating the tolls to be charged in passenger tariffs, any fraction of five cents less than two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents. *New.* See R.S.C. c. 37, s. 324. Fraction of five cents.

**192.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely:— Division of freight tariffs.

- |  |              |
|--|--------------|
| (a) The standard freight tariff;                               | Standard     |
| (b) Special freight tariffs; and                               | Special.     |
| (c) Competitive tariffs. <i>New.</i> See R.S.C. c. 37, s. 325. | Competitive. |

**193.**—(1) The standard freight tariff, or tariffs, where the company is allowed by the Board more than one standard freight tariff, shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway. What standard freight tariff to specify.

(2) Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls. Distances.

(3) The special freight tariffs shall specify the toll or tolls lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged therein for a shorter than What special freight tariffs to specify.

for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.

What competitive tariffs to specify.

(4) The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. *New. See R.S.C. c. 37, s. 326.*

Standard freight tariff.

**194.**—(1) Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board.

Filing.

Approval.

Publication.

(2) Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of the *Ontario Gazette*.

Tolls specified to be the only lawful tolls

(3) When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.

No toll until compliance.

(4) Until the provisions of this section have been complied with, no toll for the carriage or transport of goods shall be charged by the company. *New. See R.S.C. c. 37, s. 327.*

Special freight tariffs.

**195.**—(1) All special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

If tolls previously in force are reduced.

(2) When any such special freight tariff reduces any toll previously authorized to be charged under this Act, the company shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file, but the Board may by regulation or otherwise determine and prescribe any

Notice.

other

other or additional method of publication of the tariff during such period. *New. See R.S.C. c. 37, s. 328 (1), (2).*

(3) When any such special freight tariff advances any toll <sup>If previous</sup> previously authorized to be charged under this Act, the com- <sup>tolls</sup> <sup>advanced.</sup>pany shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect. *New. See R.S.C. c. 37, s. 328 (3) and 1 and 2 Geo. V. (Dom.) c. 22, s. 11.*

(4) Upon any such special freight tariff being so filed <sup>Effect of</sup> and published the company shall, until such tariff is super- <sup>filing</sup> <sup>of</sup>seded, or is disallowed by the Board, charge the toll or tolls as specified therein; and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, so far as it reduces or advances the tolls therein. *New. See R.S.C. c. 37, s. 328 (4)*

**196.**—(1) Competitive tariffs shall be filed by the com- <sup>Competitive</sup>pany with the Board, and every such tariff shall specify the <sup>tariffs.</sup>date of the issue thereof and the date on which it is intended to take effect.

(2) Where it may be necessary to meet the exigencies of <sup>Filing.</sup>competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board. *New. See R.S.C. c. 37, s. 329.*

**197.**—(1) The tariffs of tolls which the company shall <sup>Division of</sup>be authorized to issue under this Act for the carriage of pas- <sup>passenger</sup> <sup>tariffs</sup>sengers between points on the railway shall be divided into two classes, namely:—

(a) The standard passenger tariff; and, Standard.

(b) Special passenger tariffs. Special.

(2) The standard passenger tariff shall specify the maxi- <sup>What</sup> <sup>standard</sup> <sup>passenger</sup> <sup>tariff shall</sup> <sup>specify.</sup>mum mileage tolls to be charged for passengers for all dis- <sup>passenger</sup> <sup>tariff shall</sup> <sup>specify.</sup>tances covered by the company's railway, and such distances <sup>passenger</sup> <sup>tariff shall</sup> <sup>specify.</sup>may be expressed in like manner as provided herein in respect of standard freight tariffs.

(3) Special passenger tariffs shall specify the toll or tolls <sup>What special</sup> <sup>passenger</sup> <sup>tariffs shall</sup> <sup>specify.</sup>to be charged by the company for passengers, in every case <sup>passenger</sup> <sup>tariffs shall</sup> <sup>specify.</sup>where such tolls are lower than the tolls specified in the company's

company's standard passenger tariff. *New. See R.S.C. c. 37, s. 330.*

Standard  
passenger  
tariff.

**198.**—(1) A standard passenger tariff shall be filed, approved and published in the same manner as required by this Act in the case of a standard freight tariff.

Approved  
and pub-  
lished

(2) Until the company files its standard passenger tariff and such tariff is so approved and published in the *Ontario Gazette*, no tolls for the carriage of passengers shall be charged by the company.

Tolls  
authorized.

(3) When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. *New. See R.S.C. c. 37, s. 331.*

Special  
passenger  
tariffs.

Notice.

**199.**—(1) The company shall file all special passenger tariffs with the Board, and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file, but the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section, determine the time or manner within and according to which publication of any such tariff is to be made.

Date and  
period.

(2) The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

Effect of  
filing.

(3) Upon any such tariff being so duly filed the company shall, until such tariff is superseded or is disallowed by the Board, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

No toll  
before  
filing.

(4) Until such tariff is so duly filed, no such toll or tolls shall be charged by the company. *New. See R.S.C. c. 37, s. 332.*

Joint tariffs  
may be  
agreed upon

**200.**—(1) Where traffic is to pass over any continuous route in Ontario operated by two or more companies, the companies may agree upon a joint tariff for such continuous

tinuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies shall promptly notify the Board of its or their assent to and concurrence in such joint tariff.

(2) The names of the companies whose lines compose such continuous route shall be shown by such tariffs. Names of companies.

(3) If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by water, between any places or ports in Ontario, and if any such vessel carries traffic between a port in Ontario reached by such company and a port in Ontario reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Ontario within the meaning of this section. *New. See R.S.C. c. 37, s. 333.* Continuous route in the case of carriage by water.

**201.**—(1) In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may by order determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect. Where failure to agree. Board may require.

(2) Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act and in accordance with such order. Companies to comply.

(3) In any case where there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies. Apportionment of through rate.

(4) The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. Power of Board. *New. See R.S.C. c. 37, s. 334.*

**202.**—(1) No company shall, by any combination, contract or agreement, express or implied, or by other means or devices, prevent the carriage of goods from being continuous from the place of shipment to the place of destination. Continuous carriage.

Break in  
bulk, etc.

Continuity.

(2) No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this Act. *New. See R.S.C. c. 37, s. 337.*

Filing and  
publication  
of joint  
tariffs.

Proviso.

**203.**—(1) Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded or disallowed by the Board, charge the toll or tolls as specified therein, but the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

Information  
which  
Board may  
require.

(2) The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company is to receive or has received. *New. See R.S.C. c. 37, s. 338.*

Where  
tariffs may  
be inspected

**204.**—(1) The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively:—

Standard  
tariffs.

(a) standard passenger and freight tariffs at every station or office of the company where passengers or freight respectively are received for carriage thereunder;

Special  
tariffs.

(b) special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and, as to such freight tariffs, as soon as possible, at each of its stations or offices to which freight traffic is to be carried thereunder;

Competitive  
tariffs.

(c) competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;

(d)



- (d) joint tariffs for traffic passing over any continuous route in Ontario, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend. Joint tariffs.

(2) The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours. Freight classifications.

(3) The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect. Notice to be posted at station or place where tariffs open to inspection.

(4) Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection. *New. See R.S.C. c. 37, s. 339, part.* Power of Board as to publication of tariffs

**205.** If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person,— Contravention of orders, etc.

- (a) wilfully does or causes to be done, or willingly suffers to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,
- (b) wilfully omits or fails to do any act, matter or thing thereby required to be done; or,
- (c) causes or willingly suffers or permits any act, matter or thing, so directed or required to be done, not to be so done; or,
- (d) contravenes any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

such



**Penalty.** such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence incur a penalty not less than \$100 and not more than \$1,000. *New. See R.S.C. c. 37, s. 398 (1).*

**False billing, etc.**

**206.** Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence incur a penalty not less than \$100 and not more than \$1,000. *New. See R.S.C. c. 37, s. 399 (1).*

**Penalty.**

**Idem.**

**207.**—(1) Any person, or any officer or agent of any incorporated company, who shall deliver goods for transportation to such company, or for whom as consignor or consignee the company shall transport goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, incur a penalty not less than \$100 and not more than \$1,000.

**Penalty.**

**Further toll.**

(2) The Board may make regulations providing that any such person or company shall, in addition to the regular toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge.

**Opening of packages.**

(3) The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated. *New. See R.S.C. c. 37, s. 400 (1-3).*

**Unjust discrimination.**

**208.** Any person or company, or any officer or agent of any company,—

(a) who offers, grants, or gives, or solicits, accepts or receives any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force;  
or,

(b)

- (b) for whom the company or any of its officers or agents is by any such means induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or,
- (c) who aids or abets the company in any unjust discrimination;

shall for each offence incur a penalty not less than \$100 and <sup>Penalty.</sup> not more than \$1,000. *New. See R.S.C. c. 37, s. 401 (1).*

**209.** If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, while so in force, shall on the part of such company, its officers, agents or employees, be an offence under this Act. *New. See R.S.C. c. 37, s. 402 (1).*

#### *Passenger Fares on Electric Roads.*

**210.**—(1) Notwithstanding anything to the contrary contained in any agreement with a municipal or other corporation or person or in any Special Act,— <sup>Limit of fares on electric railways.</sup>

- (a) The fare to be taken by a company on a railway operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles shall not exceed two cents per mile or fraction thereof for the distance actually travelled; and in the case of children under ten years of age shall not exceed three cents for three miles or less and where the distance exceeds three miles shall not exceed one cent per mile or fraction thereof for the distance actually travelled, but children in arms shall in all cases be carried free.
- (b) Pupils under seventeen years of age actually attending school shall be entitled to purchase at any office of the company where tickets are sold on a certificate from their principal teacher that they are *bona fide* pupils attending school eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half-past nine in the forenoon, and between half- <sup>Pupils' tickets.</sup>

past

past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, but no such ticket shall entitle any pupil to ride a greater distance than five miles.

Certain agreements not affected.

(2) This section shall not alter or vary any agreement by which the company is bound to charge a lower rate of fares for passengers than those mentioned in this section, or to supply a greater number of tickets to pupils attending school or to pupils of a lesser age or at different hours or for a greater distance than mentioned in this section.

Section not to apply to companies operating in certain parks.

(3) This section shall not apply to a company whose tariff for passenger fares is subject to the approval of any commissioners in whom are vested any park or lands owned by the Crown for the use of the public. 6 Edw. VII. c. 30, s. 171, *part*.

### *Traffic Facilities.*

Facilities for traffic.

**211.**—(1) All companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock. 6 Edw. VII. c. 30, s. 174, *part*, and see R.S.C. c. 37, s. 317 (1).

Through traffic.

(2) Such facilities to be so afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by car load, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates. *New. See R.S.C. c. 37, s. 317 (2).*

(3) No company shall;

No undue preference.

(a) make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person or company, or any particular description of traffic, in any respect whatsoever;

Or discrimination.

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving

ing, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company;

(c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or,

(d) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects.

(4) Every company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf. 6 Edw. VII. c. 30, s. 174, *part*, and *see* R.S.C. c. 37, s. 317 (3) (4).

(5) The reasonable facilities which every railway company is required to afford under this section shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways. *New. See* R.S.C. c. 37, s. 317 (5).

(6) Every company which grants any facilities for the carriage of goods by express to any incorporated express company or person shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same. 6 Edw. VII. c. 30, s. 177.

(7) Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. 6 Edw. VII. c. 30, s. 174, *part*, and *see* R.S.C. c. 37, s. 317 (6) (7).

Contiguous  
lines in city  
interchange  
of traffic.

**212.**—(1) Where two or more electric street railway or radial railway systems or a street railway system and a radial railway system owned or operated by the same or by different corporations lie contiguous to one another, each corporation shall afford to the other or others, all reasonable facilities for the interchange of traffic and running rights over its lines.

Board to  
act on fail-  
ure to  
agree.

(2) The nature or extent of the facilities and running rights to be afforded and the terms and conditions upon which they shall be exercised, shall be determined by the Board, and it shall be the duty of each corporation to conform to and obey any order of the Board made in the premises.

Powers of  
Board.

(3) The order may be made on the application of any or either of the corporations or of a municipal corporation or person interested or of the Board's own motion.

Varying  
order.

(4) The Board may from time to time vary the terms of any order made under the preceding subsections, as it may deem just.

Where rail-  
way con-  
structed in  
part or not  
begun.

(5) The powers conferred on the Board may be exercised in respect of an electric street railway system which a corporation has authority to construct, the location and plans of which have been approved by the Board, notwithstanding that no part or that part only of the system has been constructed, and such powers may also be exercised notwithstanding that a corporation has the exclusive right to build and operate surface railways within the municipality or any part of it.

Interpreta-  
tion. "Cor-  
poration."

(6) In this section "corporation" and "corporations" shall include a municipal corporation. 2 Geo. V. c. 35, ss. 1-8.

Extent of  
powers of  
Board.

(7) For the purposes of this section the Board shall have all the powers conferred by section 130.

Commence-  
ment of  
Act.

(8) This section shall not come into force until a day to be named by the Lieutenant-Governor by Proclamation.

Burden of  
proof  
respecting  
unjust dis-  
crimination,  
etc.

**213.**—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any locality, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies, or classes of persons, or to the persons in another locality, or makes any difference in treatment in respect of such companies or persons, the bur-

den

den of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interest of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

What Board may consider in determining unjust discrimination, etc.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail. 6 Edw. VII. c. 30, s. 176, and *see* R.S.C. c. 37, ss. 77, 319, 320.

Appointment of toll for carriage by land and water.

**214.**—(1) The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of sections 187 and 211.

Power of Board to determine what are substantially similar circumstances, undue preferences, etc.

(2) The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of such sections. 6 Edw. VII. c. 30, s. 175, *amended*, and *see* R.S.C. c. 37, s. 318 (1) (2).

Regulations.

(3) For the purposes of section 212 the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. *New. See* R.S.C. c. 37, s. 318 (3).

Specific works may be ordered by Board.

Tariff.

**215.** If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the lawful tolls chargeable by such company. *New. See R.S.C. c. 37, s. 78.*

Presumed  
legal  
as against  
company.

*General Provisions respecting Carriage.*

Contracts,  
etc., impair-  
ing car-  
riers'  
liability.

**216.**—(1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the Board.

Power of  
Board.

(2) The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Board  
may  
prescribe.

(3) The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company. *New. See R.S.C. c. 37, s. 340.*

**217.** Nothing in this Act shall be construed to prevent:—

Free or  
reduced  
traffic.

(a) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation;

Government  
and chari-  
table.

Immigrants,  
etc.

(b) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage. 6 Edw. VII. c. 30, s. 178, *part*;

Free car-  
riage and  
reduced  
rates may  
be given in  
certain  
cases.

(c) railways from giving free carriage or reduced rates to their own officers and employees, or their families, or to former employees of any railway, or for their goods and effects, or to members of the Senate and House of Commons of Canada or of  
the



the press, or to members of the Interstate Commerce Commission of the United States and the officers and staff of such commission, and for their baggage and equipment, or to such other persons as the Board may approve or permit. *See* R.S.C. c. 37, s. 341, and 9 and 10 Edw. VII. (Dom.) c. 50, s. 11; or,

- (d) The principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects:

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board. 6 Edw. VII. c. 30, s. 178, *part*, and *see* R.S.C. c. 37, s. 341 (d). Board may regulate.

**218.**—(1) Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act. Special rates.

(2) Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein *New. See* R.S.C. c. 37, s. 342. Notice to be filed with Board.

**219.** The company shall furnish free transportation upon any of its trains for members of the Assembly, with their baggage, and for the members of the Board, and for such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board. 6 Edw. VII. c. 30, s. 172. Members of Legislature and Board to have free transportation.

#### RAILWAY CONSTABLES.

**220.**—(1) Any two Justices of the Peace or a Police Magistrate within whose jurisdiction the railway runs may on the application of the company or of any clerk or agent Constables may be appointed to act on the line of any railway.

of

of the company thereto authorized by the company, appoint any person being a British subject recommended for that purpose by such company, clerk or agent, to act as a constable on and along such railway.

Oath of  
office.

(2) Every person so appointed shall take and subscribe an oath to the effect following:

"I, A. B., having been appointed a Constable to act upon and "along (*here name the Railway*), under *The Ontario Railway Act*, "do swear that I am a British subject by birth (or naturalization) "and not a citizen or a subject of any foreign country, and "that I will well and truly serve our Sovereign Lord the "King, in the office of Constable, without favour or affection, malice "or ill-will, and that I will, to the best of my power, cause the peace "to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my "skill and knowledge, discharge the duties thereof faithfully, "according to law: So help me God."

Appoint-  
ment to be  
in writing.

(3) Such appointment shall be made in writing signed by the official making the appointment and the fact that the person appointed thereby has taken such oath shall be endorsed thereon by the person administering the same. 6 Edw. VII. c. 30, s. 179, *amended*, and see R.S.C. c. 37, s. 300.

Powers of  
such con-  
stables, and  
to what  
localities  
they shall  
extend.

**221.**—(1) Every constable so appointed and having taken such oath may act as a constable for the preservation of the peace and for the security of persons and property against unlawful acts,—

(a) on such railway, and on any of the works belonging thereto;

(b) on and about any trains, roads, wharves, quays, landing-places, warehouses, land and premises belonging to the company, or in any place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company, and

(c) in all places not more than one-quarter of a mile distant from such railway;

Apprehend-  
ing offend-  
ers, etc.

(2) Every such constable shall have all the powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, possessed by any constable duly appointed. 6 Edw. VII. c. 30, s. 180.

Duties of  
such con-  
stables.

**222.**—(1) Every such constable may take such persons as are charged with any offence against the provisions of this Act, or of any of the Acts or by-laws affecting the railway,  
before

before any Justice or Justices appointed for any county or district within which such railway passes.

(2) Every such Justice may deal with all such cases, as though the offence had been committed and the person taken within the limits of his jurisdiction. 6 Edw. VII. c. 30, s. 181, and *see* R.S.C. c. 37, s. 302. Jurisdiction of Justices.

**223.**—(1) A Judge of the County or District Court of the County or District may dismiss any such constable who is acting within his jurisdiction. Dismissal by Judge.

(2) The company or any manager or superintendent thereof may dismiss any such constable who is acting on the railway; By company.

(3) No person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. 6 Edw. VII. c. 30, s. 182, *amended*. Re-appointment.

**224.**—(1) The company shall within one week after the date of the appointment or dismissal, as the case may be, of any constable, appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace, for every county or district wherein the railway passes,— Record of appointment of constables. And of dismissals.

(a) such appointment or a certified copy thereof;

(b) the name and designation of any such constable;

(c) the date of the appointment;

(d) the name of the authority making such appointment;

(e) in the case of dismissal the fact of the dismissal of any such constable;

(f) the date of any such dismissal; and

(g) the name of the authority making such dismissal.

(2) A copy of such record shall be *prima facie* evidence of the due appointment of such constable or of his dismissal, as the case may be. Record. Evidence.

(3) The clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of Book to be kept recording appointments etc.  
appointment

appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. 6 Edw. VII. c. 30, s. 183.

Neglect of  
duty by  
constable.

Penalty.

**225.** Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall incur a penalty not exceeding \$80 recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 184, *amended*.

#### POWERS OF PASSENGER CONDUCTORS AS CONSTABLES.

Conductors  
to have  
powers of  
constables.

**226.**—(1) The conductor of every train carrying passengers shall have all the powers of a constable while on duty on his train, and may wear a badge or other distinguishing mark of a special constable. 6 Edw. VII. c. 30, s. 185 (1).

Removal of  
passenger  
guilty of  
misconduct.

(2) Every passenger who,

(a) is guilty of disorderly conduct;

(b) uses any blasphemous or obscene language, or

(c) plays any game of cards or chance for money or any other thing of value,

may by the conductor of the train and the train servants of the company be expelled from and put out of the train with his baggage at any usual stopping place or near any dwelling house as the conductor elects, but the conductor shall first stop the train and shall use no unnecessary force.

Assistance.

(3) The conductor may command the assistance of the employees of the company and of the passengers on such train to assist in such removal. 6 Edw. VII. c. 30, s. 185 (2), *part*.

*Section 186 omitted as unnecessary.*

Notice of  
authority of  
conductor.

**227.** The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables. 6 Edw. VII. c. 30, s. 187.

*Section 188 omitted as unnecessary.*

## STREET RAILWAYS AND RAILWAYS OPERATING ALONG HIGHWAYS.

*General Provisions.*

**228.** Unless otherwise provided, sections 229 to 263 shall apply only to street railways and street railway companies and to other railways incorporated for the purpose of operating partly or wholly along highways by electricity. 6 Edw. VII. c. 30, s. 189.

Application of ss. 229 to 264 to street railways and electric railways on highways.

**229.** Every such company may, subject to the provisions of the Special Act or of any agreement between the company and a municipal corporation, construct, maintain, complete, and operate and from time to time remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon land purchased or leased by the company for that purpose, and take, transport and carry passengers upon the same, by the force or power of electricity, and construct and maintain all necessary works, buildings, appliances and conveniences connected therewith. 6 Edw. VII. c. 30, s. 190.

Powers of Company.

**230.** The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated nor any class of freight carried on any such highway until authorized by, or except as directed by the Board. 6 Edw. VII. c. 30, s. 191.

Freight traffic.

**231.** Subject to the provisions of section 259, the company and the council of any municipality in which a railway or part of a railway is proposed to be or is constructed, may enter into agreements relating to:

Agreements between municipality and company as to construction, street repairs, etc

(a) the construction of the railway;

(b) the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion;

(c)

- (c) the paving, macadamizing, repairing, grading, and cleaning of the highways upon which the railway is proposed to be or is constructed;
- (d) the construction, opening and repairing of drains and sewers;
- (e) the laying, repairing or taking up of gas and water pipes in the highways;
- (f) the location of the railway, and the particular highways along which the same may be laid;
- (g) the pattern of rails;
- (h) the time and speed of running the cars, sleighs and other conveyances;
- (i) the fares to be charged within the maximum hereinbefore mentioned; and,
- (j) the amount of compensation, if any, to be paid by the company annually or otherwise. 6 Edw. VII. c. 30, s. 192.

### *Municipal Street Railways.*

Power to  
operate  
street rail-  
ways.

**232.**—(1) The corporation of a city or town may conduct, equip, maintain and operate street railways in, along and over such highways of the city or town and subject to and upon such terms as the Board may approve; and may lease the same from time to time on such terms as may be determined on.

Not applic-  
able where  
previous  
agreement  
with a  
company.

(2) The powers conferred by this section shall not be exercised in respect of any highway or part of a highway in, along, or upon which a street railway company is entitled under an agreement with the corporation of the municipality to construct and operate its railway, so long as such right shall continue to exist, and any question or dispute as to whether a street railway company is so entitled, shall be determined by the Board.

Power to  
operate  
extension of  
street rail-  
way in  
adjoining  
municipi-  
pality.

(3) In addition to the powers given and conferred by subsection 1, the corporation of a city or town operating or proposing to construct or operate a street railway within its own limits may construct, equip, maintain and operate any extension of any such street railway in any adjoining municipality with the consent of the corporation of such adjoining municipality by by-law, and upon such terms as the Board may approve.

(4) A municipal corporation which constructs, owns, or <sup>Municipal</sup> manages a street railway, including any extension in any <sup>Railway.</sup> adjoining municipality, shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under this Act, except where the same conflict or are inconsistent with or are repugnant to the rights, liabilities, powers and duties of a municipal corporation as provided by law.

(5) Nothing in this section shall relieve any municipal <sup>Saving of</sup> corporation from its obligations and liabilities in respect of <sup>liabilities.</sup> highways or bridges. 3 Edw. VII. c. 19, s. 569 (1-3); 10 Edw. VII. c. 81, s. 4 *redrafted*.

**233.** Where under the provisions of an agreement be- <sup>Construction</sup> tween a municipal corporation and a street railway company <sup>and operation</sup> or any person from whom a street railway company has de- <sup>of street</sup> rived its title, the corporation has become or shall hereafter <sup>railway</sup> become entitled to grant to another company or person the <sup>by municip-</sup> right to construct and operate a street railway on any street <sup>ality where</sup> or part of a street upon which such first mentioned company <sup>corporation</sup> was authorized or empowered to construct or operate its rail- <sup>may grant</sup> way or any part of it, by reason of the failure of such com- <sup>right to a</sup> pany to construct and operate or to operate its railway there- <sup>company.</sup> on, such corporation, instead of granting such right to another company or person, may itself construct, operate and maintain a railway thereon either as a separate and distinct line of railway or as part of any other railway which such corporation owns or operates or has power to construct or operate. 10 Edw. VII. c. 81, s. 2.

### *Sunday Cars.*

**234.**—(1) Subject to section 235, no company or muni- <sup>Street rail-</sup> cipal corporation operating a street railway, tramway or <sup>ways, etc.,</sup> electric railway, shall operate the same or employ any person <sup>not to be</sup> thereon on the first day of the week commonly called Sunday, <sup>operated on</sup> except for the purpose of keeping the track clear of snow or <sup>Sunday.</sup> ice, or for the purpose of doing other work of necessity.

(2) This section shall not apply to any railway company <sup>Exceptions.</sup> or municipal corporation which now has the right to operate its street railway, tramway, or electric railway on Sunday.

(3) For every train run or operated in violation of this <sup>Penalty.</sup> section, the company shall incur a penalty of \$400, recoverable by any person suing for the same under this section and for the purpose thereof.



**Application of penalties.** (4) All money recovered under this section shall be appropriated as follows: One moiety to the plaintiff and the other to the corporation of the local municipality from which the train or car started; but if the train or car is operated by the corporation of the municipality from within the limits of which the same started, the plaintiff shall receive the whole amount so recovered.

**Liabilities of conductor.** (5) The conductor or other person in charge of any train run or operated in contravention of this section shall for every such offence incur a penalty not less than \$1 nor more than \$40, recoverable under *The Ontario Summary Convictions Act*.

**Application of section.** (6) This section shall apply to all electric and street railways, whether operated on a highway or on a right of way owned by the company. 6 Edw. VII c. 30, s. 193 (*subsection 2 being redrafted*).

**Operation of street cars on Sunday in city of 50,000.** **235.**—(1) Subject to subsections 2 and 3 and notwithstanding anything in this Act or any other Act, street railways may be operated on Sunday within a city having a population of over 50,000 after a majority of those voting of the electors qualified to vote at municipal elections have voted in the affirmative in answer to the question: "Are you in favour of operating street railways on Sunday?" but no person shall be entitled to vote more than once on such question.

**Ascertaining population.** (2) The question shall not be submitted until the Lieutenant-Governor in Council has declared that the population of the city is over 50,000, and the Lieutenant-Governor in Council may require a census to be taken and may prescribe the nature of the census and the time and manner of taking the same.

**Declaration as to population conclusive.** (3) When the Lieutenant-Governor in Council has declared that the population of the city is over 50,000 the question may be submitted at the annual municipal election, if the municipal council shall have decided on or before the 1st of December preceding the date of such election to submit the question, and shall not later than the 15th of December have given notice of such decision by public advertisement, for at least one week in each issue of some daily newspaper published in the municipality.

**Application of Municipal Act.** (4) The provisions of *The Municipal Act* as to the submission of questions to the electors and the voting thereon and the imposition of penalties and the prevention of corrupt practices in connection with elections shall apply to a  
vote

vote taken under the provisions of this section, but no person shall be entitled to vote more than once on the question.

(5) Nothing in this section shall entitle a street railway company, which has entered into an agreement with a municipal corporation not to run cars on Sunday, to run any of their cars on any Sunday unless and until the company has received permission from the council of such corporation by by-law to run their cars on Sunday, and then only under and subject to such terms and conditions as may be contained in such by-law, and unless and until the company has also entered into an agreement with the corporation to observe the terms and conditions of the by-law. 9 Edw. VII. c. 68, s. 1, *part, amended.* Agreement not to be affected.

### *Hours of Labour.*

**236.** No employee shall be required or permitted to work for more than six days of ten hours each in any one week. 9 Edw. VII. c. 68, s. 1, *part.* Employees not to work for more than six days.

**237.** Where a railway is operated on Sunday, no employee shall be required or permitted to work on any Sunday when he has worked on the previous Sunday. 9 Edw. VII. c. 68, s. 1, *part, amended.* Nor on two successive Sundays.

**238.** For each day on which a breach of either of the two next preceding sections is committed the corporation or company offending shall incur a penalty not less than \$25 and not more than \$100. 9 Edw. VII. c. 68, s. 1, *part.* Penalty.

### *Protection of Wires, Pipes and Cables.*

**239.**—(1) The company, when operating any portion of its railway across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires, as far as may be reasonably possible, sufficient to prevent telegraph, telephone or other wires strung across or along the highway from coming into contact with or falling upon the wires conveying such electricity. Guard wires.

(2) The company, when operating any portion of its railway by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things, placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Protecting water pipes, etc., from injury by electricity.

What to be  
deemed  
sufficient.

(3) Unless otherwise ordered by the Board, proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the provisions of this section.

Powers of  
Board.

(4) The Board may make such order as it may deem proper to compel the proper observance of this section. 6 Edw. VII. c. 30, s. 194.

Right of  
action.

(5) Any person who suffers damage by reason of the non-compliance by the company with the provisions of this section shall have a right of action against the company therefor. 6 Edw. VII. c. 30, s. 195.

### *Forfeiture for Non-user.*

Forfeiture  
by non-user.

**240.**—(1) If a company at any time ceases to regularly use the whole or any part of its railway for a period of eighteen months, it shall, upon its being so ordered by the Board, forfeit the right to use the railway or the part unused, as the case may be, and the company shall also indemnify the corporation of the municipality in respect of the expenses incurred in taking up the rails and removing the poles and wires, and putting the highways in proper repair. 6 Edw. VII. c. 30, s. 196 (1). *Amended.*

Lien of  
municipal  
corporation.

(2) The corporation shall have a lien upon the rails, poles, wires, rolling stock, and other property of the company until such expense is paid. 6 Edw. VII. c. 30, s. 196 (2).

### *Additional Powers of Electric and Street Railways.*

Powers as  
to produc-  
tion and use  
of elec-  
tricity.

**241.** A company operating its railway by electricity, and a street railway company shall also have power:

Works.

1. To construct, maintain and operate works for the production of electricity for the motive power of the railway, and for the lighting and heating the rolling stock and other property of the company;

Purchase  
of water  
powers.

2. To acquire by lease or purchase and to hold, utilize and develop water powers and the necessary land therewith, and to construct the necessary works for generating electricity for lighting, heating and power in operating the railway;

3. To enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company for constructing, carrying on or operating the railway;

4. To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds and to improve and lay out such lands as parks or places of public resort and enter into any agreement or arrangements with the corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject to the power of the council of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds:

(a) None of the provisions of this clause shall have effect unless and until the council of the municipality has by by-law declared its assent to the company's acquiring land under and for the purpose mentioned in this paragraph.

(b) No such park or pleasure grounds shall be used for games, picnics, concerts, excursions or other public entertainments on Sunday;

5. To purchase the right to convey electricity for the working of the railway and lighting or heating the same over, through or under land other than the land of the company, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such land as may be determined by the company, and along and upon any of the highways, or across any of the waters in Ontario by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and the owners of the land affected, and between the company and the corporation of any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law of the council of such municipality passed in pursuance thereof; but such works shall not be so constructed as to incommode the

the public use of such highways, or so as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or to interrupt the navigation of such waters.

As to Crown lands, public parks, etc.

(2) The rights conferred upon the company shall not be exercised within the limits of any park vested in the Crown for the use of the public or any land vested in commissioners for any such park without the approval of the Lieutenant-Governor in Council.

Construction of railway on highways.

(3) Subject to sections 246 to 252, and section 261, no railway or street railway shall be constructed or operated along any highway or public place in any municipality until first authorized by an agreement made between the company and the corporation of such municipality and except under and subject to the terms of such agreement and of section 259 and of any by-law of the council of the municipality, passed in pursuance thereof; and in all such cases every work, matter or thing in connection with the motive power, and the application and use thereof in so constructing and operating such railway, or the cars, carriages, engines, motors or machines thereof, shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property. 6 Edw. VII. c. 30, s. 197.

Notice to be given before passing by-law authorizing construction on highways.

**242.**—(1) No municipal council, notwithstanding anything contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in a newspaper published in the municipality; or if there is no such newspaper, then in a newspaper published in a neighbouring municipality, or if there is no such newspaper, then in a newspaper published in the county or district town.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

(3) If after hearing such objections as may be made the council passes the by-law, any fifteen freeholders in the municipality may petition the Board to amend or quash such by-law, and upon such petition after hearing all parties interested the Board shall have power to amend such by-law in such manner as to the Board may seem proper, or to quash the same. <sup>Appeal to Board to quash or amend.</sup>

(4) The costs of such proceeding shall be in the discretion of the Board and may be fixed by the Board or taxed by one of the taxing officers of the Supreme Court. <sup>Costs.</sup>

(5) This section shall not apply to extensions within the limits of a city or town of a street railway already constructed, nor to a by-law which requires the assent of the electors under *The Municipal Franchises Act*. 6 Edw. VII. c. 30, s. 198. <sup>Section not to apply to certain extensions.</sup>

**243.**—(1) The company may, at any point or points where its line runs along a highway, deviate from the highway to a right of way owned by the company, if no obstruction of the highway is thereby caused; and if the rails on such deviation do not rise above or sink below the surface of the highway more than one inch they shall not be deemed an obstruction. <sup>Power to deviate.</sup>

(2) The right conferred by this section shall not be exercised without the consent of the Board. 6 Edw. VII. c. 30, s. 199. <sup>Proviso.</sup>

**244.** Notwithstanding anything in this Act, or in any statute, no municipal corporation shall grant to any company any exclusive right, privilege, or franchise, for the transmission of electrical energy for power, light and heat over or across any highway. 6 Edw. VII. c. 30, s. 200. <sup>Limitation transmission of electrical energy.</sup>

### *Expropriation by Street Railway Companies.*

**245.**—(1) Where the council of a municipality by law declares that it is of opinion that a company incorporated with power to construct a street railway or incline railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between two or more points, set forth in the by-law, situate within the municipality, the company, upon registering the by-law in the proper registry office, shall, in respect of land lying between the points named, possess the powers conferred upon railway companies by the sections of this Act relating to the taking of land without the consent of the owner. <sup>Expropriation of land, when and to what extent allowed.</sup>



**Limitation.**

(2) Such powers shall be exercised within two years from the passing of the by-law, and not afterwards, and the land to be taken thereunder shall not exceed one chain in width.

**Niagara Falls.**

(3) This section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara, and for a width inland of one mile from the River Niagara. 6 Edw. VII. c. 30, s. 201.

*Duration of Street Railway Franchises.*

**Time for which municipality may grant privileges.**

**246.**—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, and at the expiration of twenty-five years from the time of passing the first by-law which is acted upon conferring the right of laying rails upon any highway or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company one year's notice prior to the expiration of the period limited, assume the ownership of the street railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board.

**Municipality may assume the ownership.**

**Value.**

(2) In ascertaining such actual value, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

**Alternative right.**

(3) If the corporation does not exercise such right, the corporation may exercise the like right at the expiration of any fifth year thereafter, upon giving one year's previous notice to the company, and the privileges of the company shall continue until the ownership is assumed by the corporation. 6 Edw. VII. c. 30, s. 202.

**By whom right to purchase may be exercised.**

(4) If a street railway extends beyond the limits of a city or town, the corporation of the city or town may exercise the right conferred by this section.

**Position of municipality.**

(5) The corporation purchasing shall possess the same powers and authority and be subject to the same conditions, obligations and restrictions as the company, and shall be subject to all orders and directions of the Board in the same manner and to the same extent as a company operating a street railway. 6 Edw. VII. c. 30, s. 203. *Redrafted.*



**247.**—(1) The council of any municipality into which a street railway runs may at any time after the right of assuming the ownership of the railway accrues to a municipal corporation require that the terms upon which the railway shall be operated in such municipality be determined, and the terms, if the company and the council of the municipality are unable to agree as to them, shall be determined by the Board, and such arrangement shall remain in force for ten years.

Municipal-ity dissatis-fied with terms as to railway in certain cases, may apply to the Board.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the railway at the expiration of any fifth year. 6 Edw. VII. c. 30, s. 204.

Re-adjust-ment of terms.

**248.** Subject to section 246 a municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway, to any person or company authorized to operate a street railway, on such terms and conditions as may be agreed upon by such street railway company and the municipal corporation. 6 Edw. VII. c. 30, s. 205.

Municipality acquiring street railway may transfer same to a company.

**249.** A company to which any lines of street railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer. 6 Edw. VII. c. 30, s. 206.

Application of preceding section.

*Section 207 omitted as unnecessary.*

#### *Limitation of Company's Powers.*

**250.**—(1) A company shall not, without having first obtained the permission and approval of the Board, begin the construction of its railway or of any extension of it upon any highway or part of a highway upon which it has authority to construct or extend its railway.

Railway not to be constructed on highway without sanction of Board.

(2) The Board may withhold its permission and approval where it is of opinion that it has not been made to appear that the construction or extension upon such highway or part of a highway is necessary or convenient for the public service, or where in the opinion of the Board it is not in the public interest that the railway should be constructed

When Board may withhold permission.

or extended upon such highway or part of a highway. 10 Edw. VII. c. 81, s. 3.

Additions  
or altera-  
tions of  
line.

(3) This section shall apply to any addition to or alteration of the line of the railway as constructed, and shall apply notwithstanding the terms of any agreement between the company and any municipal corporation. *New.*

Application  
to street  
railway.

(4) This section shall apply to all railways however operated and to street railways. 10 Edw. VII. c. 81, s. 3.

Municipal  
Franchises  
Act.

2 Geo. V.  
c. 42.

**251.** Nothing in this Act shall authorize the passing of any by-law, the making of any agreement, the granting of any franchise or privilege, or the doing of any other thing in contravention of *The Municipal Franchises Act.* *New.*

*Duration of Privileges to Operate Electric Railways along Highways.*

Franchise in  
highways  
limited to  
twenty-five  
years.

**252.**—(1) No municipal council shall grant to a company any privilege to operate its line along a highway for a longer period than twenty-five years.

Extension.

(2) At the expiration of the period for which the privilege was granted the council may extend such privilege for a further term not exceeding twenty-five years, on such terms and conditions as may be agreed upon by the council and the company, or with the consent of the Board the corporation of such municipality may assume the ownership of that portion of the railway operated on the highways of such municipality upon payment of the actual value thereof, to be determined by the Board, and in ascertaining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

When muni-  
cipality may  
assume.

Value.

Notice of  
intention to  
take over  
railway.

(3) The corporation shall not have the right to assume such ownership, unless notice of the intention so to do has been given to the company one year prior to the expiration of the privilege or franchise, and in no case shall a municipal corporation assume such ownership without the consent of the Board.

Application  
of section.

(4) This section shall only apply to electric railways that are not street railways. 6 Edw. VII. c. 30, s. 208.

*Fenders, Brakes, etc.*

**253.**—(1) A company operating any portion of its line by means of electricity along a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and other life-saving appliances of a design approved from time to time by the Board. 6 Edw. VII. c. 30, s. 209, *part*. Fenders and other appliances.

(2) The fender, guard, brake or other life-saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the order approving of the same, or by any order extending such time. Fenders, etc., to be adopted when ordered.

(3) Where the cars are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement. 6 Edw. VII. c. 30, s. 210. Proviso.

(4) The company shall pay to the corporation of the municipality in which such railway is operated the sum of \$10 for each day in which any motor car is operated within such municipality without having such a fender, guard, brake or other life saving appliance thereon, except in cases of accident or unavoidable necessity. 6 Edw. VII. c. 30, s. 211. Penalties for not providing fenders, etc.

(5) If the Board so orders, the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance which the Board deems advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed. 6 Edw. VII. c. 30, s. 212. Tests of fenders, brakes, etc.

*Conveniences, etc.*

**254.**—(1) Every street railway company and incline railway shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the company operating its cars. Conveniences for street railway employees.

(2) Such urinals and other conveniences may be located upon land owned or provided by the company and reasonably accessible to each of the lines of railway operated by the company, and at such points as the Board may direct, within the Location.

the limits of the city or town, and the employees of the company shall be allowed reasonable opportunity of access thereto.

Penalty for  
not  
supplying.

(3) The company shall incur a penalty of \$10 per day for each day upon which it neglects to provide such urinals or other conveniences.

Cost of pro-  
viding con-  
veniences.

(4) The Board shall determine whether the cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by both, and if by both the proportions in which the same shall be borne by them respectively, in case the parties are unable to agree, as may be determined by the Board.

City or town  
may be  
ordered to  
provide site.

(5) The Board may order the city or town to provide the site for such urinals or other conveniences, upon such terms as to cost and otherwise as the Board may determine.

Board may  
order con-  
veniences to  
be open to  
the public.

(6) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as to the employees of the company, and when so open the Board may order the cost of the maintenance of the same to be borne by the city or town and the company in such proportions as may be deemed proper. 6 Edw. VII. c. 30, s. 213.

Sanitary  
conveniences  
on cars.

**255.**—(1) The Board may order a company to provide sanitary conveniences for the use of passengers on all passenger cars.

Applica-  
tion.

(2) This section shall only apply to electric railways that are not street railways, and to steam railways. 6 Edw. VII. c. 30, s. 214.

### *"Pay as You Enter" System.*

Conditions  
upon which  
"pay as you  
enter" cars  
may be  
operated.

**256.**—(1) What is known as the "pay as you enter system" of collecting fares shall not be operated on any street railway car unless the design of the car has been approved by the Board.

(2) Every company or person who contravenes this sec-Penalty.  
tion shall therefor incur a penalty of \$100 per day for each  
car operated contrary to the provisions of this section. 1 Geo.  
V. c. 53, s. 214a, *redrafted*.

### *Unclaimed Property.*

**257.**—(1) Where unclaimed property is left in a car <sup>Disposal of</sup>  
the company shall ascertain if possible the owner of it and <sup>unclaimed</sup>  
notify him of the fact by mail as soon as possible, after such <sup>property on</sup>  
property comes into its possession and of the place where the <sup>street</sup>  
property may be claimed. <sup>railways.</sup>

(2) Every company which has such property not being <sup>Non-perish-</sup>  
perishable property in its possession for three months may <sup>able.</sup>  
sell the same at public auction, after giving notice by one  
publication, at least ten days prior to the sale, in a daily  
newspaper published in the city or town in which the sale is  
to take place, of the time and place at which it will be held,  
and such sale may be adjourned from time to time until  
all the articles are sold.

(3) Perishable property so left may be immediately sold <sup>Perishable.</sup>  
without notice. 6 Edw. VII. c. 30, s. 215. *Amended*.

(4) The places at which the property may be claimed shall  
be subject to the approval of the Board. *New*.

### *Transfer in Ownership of Highways.*

**258.** Where a railway operated by electricity upon a <sup>Agreements</sup>  
highway or a portion thereof which is so operated has been <sup>with com-</sup>  
or shall hereafter be constructed in a municipality under an <sup>panies as to</sup>  
agreement with the corporation thereof, or with the corpora- <sup>certain mat-</sup>  
tion having the control of the highway, and the territory, <sup>ters to</sup>  
or any part of the territory in which such railway has been, <sup>ensure for</sup>  
or shall be constructed, is subsequently annexed to another <sup>benefit of</sup>  
municipality, or the highway along which such railway has <sup>municipality</sup>  
been or shall be constructed has ceased to be owned or con- <sup>owning road.</sup>  
trolled by the corporation of one municipality, and has  
become vested in or has been placed under the control of  
another corporation, then, so far as such agreement relates  
to the maintenance and repair of the track and roadbed  
of the railway or the remaining portions of the highway  
or highways over which the railway is operated, and to  
the removal of snow and ice from the company's track and

the disposal thereof, the corporation of such last mentioned municipality and any officer or person appointed for such purpose shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person charged with the performance of any duty thereunder in respect of the matters aforesaid. 6 Edw. VII. c. 30, s. 216.

*Agreements with Municipalities for Operating Along  
Highways.*

Clauses to  
be included  
in agree-  
ments.

**259.** Any agreement between a municipal corporation and a company under which the company obtains a right or franchise to operate its railway along a highway, except so far as such provisions are expressly excluded by such agreement, shall be deemed to contain the following provisions:

Grade.

(a) The rails of the company shall conform to the grade of the highway;

Rails to be  
flush with  
street, etc.

(b) Where the rails are laid upon the paved or travelled portion of a highway, or on any part thereof, they shall be laid as nearly as practicable flush with the highway, and so as to cause the least possible impediment to the ordinary traffic, and shall be so kept and maintained by the company;

Company to  
keep road-  
way in  
repair.

(c) The company so long as it uses any of its tracks on the travelled portion of a highway shall keep in repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks;

Company  
neglecting  
to repair.

(d) If the company neglects to keep in repair its track allowances and crossings, switches and turnouts or to have the necessary repairs according to the agreement made thereon, the council may give notice to the company requiring such repairs to be made forthwith, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after giving such notice the company does not within one week begin, and thereafter, with

all

all reasonable diligence, carry such work of repairing to completion, the council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs;

- (e) The payment of such amount shall not relieve the <sup>Penalty.</sup> company from any penalty provided for the omission to repair by the agreement between the corporation and the company;
- (f) A car or train of cars shall not be operated on the <sup>Speed.</sup> travelled portion of any highway at a greater speed than fifteen miles an hour unless authorized by the Board, and it shall be operated at a less rate of speed if so ordered and directed by the Board;
- (g) At the intersection of the railway with high-<sup>Intersecting</sup>ways crossing or intersecting the highway upon <sup>roads.</sup> which the railway is operated, the company shall construct and keep in repair crossings of a similar character to those adopted by the municipal corporation and shall construct underneath its track allowance such culverts and <sup>Culverts.</sup> waterways as are in the opinion of the council or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the railway construct such approaches as may be directed by the council or such officer or by the Board;
- (h) When the tracks are built over a culvert the com-<sup>Width of</sup>pany shall, when so directed by the council or <sup>culverts.</sup> such engineer or other officer or by the Board, extend such culvert so that the portion of the highway to be travelled upon by the public shall have a width of at least eighteen feet between the nearest track and the end of the culvert upon the side of the highway opposite to such track;
- (i) The company shall remove the snow from and <sup>Snow.</sup> within its tracks and switches, but any snow put upon the graded part of the highway by the



company shall be evenly spread thereon in a manner to be approved by the council or its engineer or other officer;

Taking up  
streets by  
municipality.

- (j) The council may at any time, after giving to the company 20 days' notice of its intention so to do, take up any part of the highway upon which the railway is constructed, for the purpose of altering the grade of the highway, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the jurisdiction and authority of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith;

Notice of  
council's  
intention.

- (k) When, and so often as it may be necessary for the corporation to open up a highway for the purpose of repairing it or any sewer, drain, culvert, gas or water pipe, or underground wire, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof;

Work to  
be done to  
satisfaction  
of municipality's  
engineer.

- (l) All work done by the company under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice and under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose, with a right of appeal to the Board;

Alignment,  
switches  
and grades.

- (m) The alignment of the company's tracks, the location of switches and turn-outs and the grades of the roadbed of its railway shall be prescribed by such engineer or other officer;

Company to  
pay for  
engineer.

- (n) The company shall repay to the corporation all sums paid by it to such officer or engineer for services performed by him in connection with the company's work;

(o)

- (o) All persons using the highway shall be at liberty to travel upon any part of the travelled road-way occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description shall be allowed upon such portion of the highway, but the company's cars shall have the first right of way over the railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass, and any person refusing or neglecting so to do shall incur a penalty not exceeding \$10, recoverable under *The Ontario Summary Convictions Act.* 6 Edw. VII. c. 30, s. 217. <sup>Right of public to use track allowances. 10 Edw. VII. c. 37.</sup>

### *Remedy for Breach of Agreement.*

**260.**—(1) Where a railway or street railway is operated in whole or in part upon or along a highway under an agreement with a municipal corporation and it is alleged that such agreement has been violated, the Board shall hear all matters relating to such alleged violation and shall make such order as to it may seem just and by such order may direct the company or person operating the railway or the municipal corporation to do such things as the Board deems necessary for the proper fulfilment of such agreement or to refrain from doing such acts as in its opinion constitute a violation thereof. <sup>Board to try all cases of breach of agreement.</sup>

(2) The Board may take such means and employ such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of the company together with its books and offices and may, for that purpose, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company, for such time as the Board shall continue to direct such management. <sup>May enter company's property.</sup>

(3) Upon the Board so taking possession of such railway and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board <sup>Company's servants to obey Board.</sup>

or of such person as it may place in authority in the management of any or all departments of such railway.

May pay out and receive money.

(4) The Board shall, upon taking possession, have power to demand and receive all money due to and to pay out all money owing by such company, and may give cheques, acquittances and receipts for money to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made.

May give receipts, etc.

(5) Cheques, acquittances or receipts given by the Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such cheques, acquittances or receipts were given.

Board not liable for damages.

(6) The Board and the members thereof and its officers and employees shall not be liable to any action for acts done by them or any of them under the authority of this section.

Costs.

(7) The expenses of and incidental to proceedings taken by the Board under this section shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

Certificate as to costs, etc., to be final.

(8) The certificate of the Board as to the amount of such expenses shall be final. 6 Edw. VII. c. 31, s. 63, and *see* 7 and 8 Edw. VII. (Dom.) c. 61, s. 8.

### *Radial Lines.*

Operating in cities and towns.

**261.**—(1) Notwithstanding anything in this Act the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as have been agreed upon between the company and any street railway or electric railway company, already operating in such city or town, and the corporation of such city or town.

Existing agreement.

(2) If there is an existing agreement between the corporation of such city or town and such street railway or electric railway company, the railway shall not be constructed along any such highway in contravention of the provisions of the agreement.

Terms governing admission of other railways.

(3) Where no provision is contained in the agreement for the admission of other electric or street railways, then if the council of such city or town by by-law or resolution requests the street railway company or electric railway company al-

ready

ready operating in the city or town to allow its tracks or any of the highways to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway company by by-law or resolution requests the council of the city or town to permit the entrance of the railway, the company so operating shall permit its tracks or any highways to be so used to some central point in the city or town, and the corporation shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, location of the central point, and otherwise as may be agreed upon between such other railway company, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the companies are unable to agree upon the same.

(4) Nothing in this section shall without the consent of the corporation of the city or town, confer upon a company any right or privilege to so operate its railway for a longer period than the unexpired term of the franchise or privilege held or enjoyed by the company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town.

Grant of franchise to radial railway not to extend beyond street railway company's franchise.

(5) At the expiration of such term a new agreement granting the right or privilege may be made for a further period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its discretion order a new agreement to be made upon such terms and conditions as shall be determined by the Board.

Renewal of agreements.

(6) This section shall not confer upon the Board power to vary or annul any provision in the agreement or in the order of the Board allowing the entrance of such other railway which grants to the corporation of the city or town the right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term. 6 Edw. VII. c. 30, s. 218.

Rights of municipality as to taking over railway not affected.

**262.** A company operating its railway in a city or town shall, in addition to such terms, conditions, regulations and restrictions as may be contained in any agreement with or by law of the city or town, be subject as to that portion of the railway within the limits of such city or town to the provisions of this Act respecting the construction and operation of street railways. 6 Edw. VII. c. 30, s. 219.

Application of street railway sections to radial lines.

*Examination of Motormen.*

Examina-  
tion of  
applicants  
for posi-  
tions as  
motormen.

**263.**—(1) No person shall be employed as a motorman on any railway or street railway operated by electricity until he has been subjected to a thorough examination by an examiner or examiners to be approved by the Board as to his habits, physical ability and intelligence and has undergone such training as may be prescribed by the Board by regulation applicable generally or to the particular railway and the examiner has reported to the Board that such person is competent to fill the position of motorman.

Certificate  
by instruc-  
tor as to  
capacity.

(2) He shall then be placed on a car with an instructor, and when the examiner is satisfied as to his capability for the position of motorman, he shall so certify to the Board, and, if such person is employed, he shall, so far as reasonably possible, first serve on the lines of least travel.

Company to  
pay exam-  
iner.

(3) The company shall pay for the services of the examiner. 6 Edw. VII. c. 30, s. 221.

## EXAMINATION FOR COLOUR BLINDNESS.

Examina-  
tion as to  
eyesight.

**264.**—(1) No company shall employ any person in a position which requires him to distinguish form or colour signals unless within two years next preceding his appointment he has been examined for colour blindness on the distinct colours in actual use as signals on the company's line of railway, and also as to his eyesight generally, by some competent person employed for the purpose by the company and approved by the Board, and has received a certificate that he is not disqualified for such position by reason of colour blindness, or otherwise in respect of his eyesight.

Re-exam-  
ination.

(2) The company shall cause such employees to be re-examined for colour blindness, and otherwise in respect of their eyesight, at least once in every two years.

When defect  
can be  
remedied  
by glasses.

(3) Nothing in this section shall prevent the company from continuing in its employment any person having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination.

Penalty.

(4) For every contravention of this or the next preceding section the company shall for each offence incur a penalty of \$100. 6 Edw. VII. c. 30, s. 222, *amended*.

## ACTIONS FOR DAMAGES.

*Limitation, Inspection.*

**265.**—(1) Subject to subsection 4 of section 139 all <sup>Limitation.</sup> actions for indemnity or for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, <sup>Certain actions excepted.</sup> express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the provisions of this Act respecting tolls. 6 Edw. VII. c. 30, s. 223.

(3) No inspection had under this Act, and nothing in this Act and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from or in any wise diminish or affect, any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance, or non-feasance, of such company. 6 Edw. VII. c. 30, s. 168, and see R.S.C. c. 37, s. 306 (1), (3), (4). <sup>Company not relieved.</sup>

*Damages for Defective Machinery.*

**266.**—(1) No company owning or operating a railway <sup>Contracts waiving right to damages to employees void.</sup> in whole or in part in Ontario shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no effect.

Not to be  
entered into.

(2) No such company shall demand, accept, require, or enter into any contract or agreement with any person about to enter or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

Penalty.

(3) Every company violating or aiding in the violation of this section shall for each offence incur a penalty of five hundred dollars to be recovered in any court of competent jurisdiction by any person suing therefor.

Company  
not to  
operate  
defective  
machinery.

(4) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. 6 Edw. VII. c. 30, s. 224.

#### WAGES OF LABOURERS.—SUBSIDIES.

Rate of  
wages  
of labourers  
or hereafter  
grants financial  
aid by way of  
subsidy or guar-  
antee towards  
the cost of  
railway construc-  
tion of  
lines substi-  
tuted by  
legislature

**267.**—(1) Where this Legislature has heretofore granted or hereafter grants financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the locality in which the work is being performed; and if there is no current rate in such locality, then a fair and reasonable rate;

Decision of  
Board final.

(2) If a dispute arises as to what is such current rate, or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final. 6 Edw. VII. c. 30, s. 225.

Interpreta-  
tion.

**268.**—(1) In this section:—

"Settlers,"  
"Prospect-  
tors."

(a) "Settlers" and "prospectors" shall include a person who produces evidence to the proper officer of the railway company that he is an intending settler or prospector as the case may be in a district through which such railway runs, which evidence shall be deemed sufficient if it complies with the requirements of any Order in Council in that behalf, and shall also mean and include every member of the family of a settler or prospector residing with him using such railway or any part thereof in connection with such prospecting and settling.

(b)



- (b) "Toll" shall include any rate or charge for any <sup>"Toll."</sup>  
passenger, animal, vehicle, goods, merchandise,  
or thing conveyed on the railway. 63 V. c. 28,  
s. 1, *part*.

(2) Every subsidy heretofore granted out of the Con-<sup>Subsidies to</sup>  
solidated Revenue Fund in aid of any railway, as to <sup>be subject</sup>  
any part thereof which is still unearned, and every such <sup>to certain</sup>  
subsidy hereafter granted, in addition to all other lawful re- <sup>conditions</sup>  
quirements, shall be subject to any conditions which may be <sup>as to special</sup>  
imposed by the Lieutenant-Governor in Council respecting <sup>rates to</sup>  
the tolls to be charged to "Settlers" or "Prospectors" using <sup>settlers, etc.</sup>  
any such subsidized railway or any part thereof, in connec-  
tion with their prospecting and settling in any district  
through which the railway runs, either for freight or  
passenger service. 63 Vict. c. 28, s. 1, *part*.

(3) In default of compliance with such conditions, or any <sup>Default.</sup>  
of them, there may be deducted and retained from any money  
payable in respect of such subsidy such amount as the  
Lieutenant-Governor in Council may deem proper and the <sup>Deduction</sup>  
railway company or any assignee of a railway company <sup>from</sup>  
claiming such subsidy shall not be entitled to receive pay- <sup>subsidy.</sup>  
ment of the same, or if such subsidy has been paid over prior  
to such default the company operating such railway shall  
forfeit such part thereof as may be determined by the  
Lieutenant-Governor in Council and the same may be re- <sup>Recovery.</sup>  
covered back from such company at the suit of the Attorney-  
General in any court of competent jurisdiction. 63 Vict.,  
c. 28, s. 1, *part*.

(4) Every such subsidy shall further be subject to the <sup>Current</sup>  
condition that the workmen, labourers or servants employed <sup>wages.</sup>  
in or about the construction and operation of the railway  
shall be paid such rate of wages as may be currently payable  
to workmen, labourers and servants engaged in similar occu-  
pations in the district in which such railway is constructed  
and operated and upon breach of such condition by the rail-  
way company there may be deducted and retained from any  
money payable in respect of such unearned subsidy such  
amount as the Lieutenant-Governor in Council may deem  
proper, and if the subsidy has been paid over before such  
breach such part thereof as may be determined by Order in  
Council may be recovered back from such railway company  
at the suit of the Attorney-General in any court of competent  
jurisdiction. 63 Vict. c. 28, s. 2.

(5) Every railway company entitled to a subsidy either <sup>Where</sup>  
in money or in land under any Act of this Legislature of <sup>supplies</sup>  
Ontario, the whole or part of which is still unearned, shall, <sup>to be</sup>  
<sup>purchased.</sup>

as far as practicable, construct, equip and operate its lines of railway with railway supplies and rolling stock made, purchased or procured in Canada, if the same can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality, unless the Lieutenant- Governor in Council approves of the same being procured elsewhere. 63 Vict. c. 28, s. 3.

Alien  
Labour.

(6) No person shall be employed in the construction of any railway receiving a subsidy either in money or in land who is a citizen or subject of any country having an Alien Labour Law which has the effect of excluding Canadians from employment upon the public works of such country or on other works therein. 63 Vict. c. 28, s. 4, *part*.

Penalty.

(7) For every contravention of subsection 6 the company shall incur a penalty of \$20 per day for each person so employed during the whole period of such employment. 63 Vict. c. 28, s. 4, *part*.

Subsidized  
railways  
must be in  
safe and  
efficient  
condition.

**269.**—(1) Whenever it is made to appear to the Provincial Secretary that any railway owned by a company incorporated by Act of this Legislature, the construction of which has been aided by a subsidy from the Government of Ontario, cannot by reason of the condition of such railway or of its equipment be safely and efficiently operated, the Provincial Secretary may apply to the Board for an order that the railway, or its equipment, or both, shall be put in a safe and efficient condition, which order the Board is hereby authorized to make after such notice to the president or manager of the company and the trustee of the bondholders, if any, as to the Board seems reasonable; and the Board may, by order, direct what repairs, improvements or additions shall be made to the railway, or equipment, or both, and within what times the same shall be undertaken and completed respectively.

Application  
to Board.

On failure  
of company  
to comply  
with order,  
a lien may  
be created.

(2) If the company fails to comply with such order of the Board, the Lieutenant Governor in Council may, upon the recommendation of the Provincial Secretary, approve of such order, and direct that a copy of such order and of the order of the Lieutenant Governor in Council approving thereof, certified by the secretary of the Board and the Clerk of the Executive Council respectively, shall be filed by the Provincial Secretary in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed there shall, *ipso facto*, be created a first lien or mortgage upon the railway and its equipment in favour of His Majesty for the amount of the subsidy, which shall immediately thereupon become due and payable to His Majesty.

(3) Such lien may be enforced by His Majesty in the same <sup>Enforcement of</sup> manner and by the like proceedings as any other lien upon <sup>lien.</sup> property may be enforced by His Majesty in the High Court, and the said court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway.

(4) Any money realized from such sale may, with the consent of the purchaser, be applied by the Provincial Secretary <sup>Application of money realized.</sup> under the direction of the Board towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Provincial Secretary, and any moneys so realized, and not in the opinion of the Provincial Secretary required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for bondholders, in the event of there being outstanding bonds secured by mortgage or otherwise upon such railway. *New. See 1 and 2 Geo. V. (Dom.) c. 22, s. 13.*

#### HOURS OF LABOUR.

**270.** No company operating a line of railway of twenty miles in length or over, shall require or permit a conductor, <sup>Limit of duration of continuous employment.</sup> engineer, motorman, fireman, trainman, despatcher or signal man who has worked in any capacity for sixteen consecutive hours, to go again on duty to perform any kind of work, unless he has had at least six hours' rest. 6 Edw. VII. c. 30, s. 227.

**271.**—(1) The Board may regulate the hours during which conductors and motormen employees of a street railway company may be required or permitted to work, but in <sup>Power to regulate labour of street railway employees.</sup> no case shall an employee be permitted to work more than six days in a week or ten hours per day, and whenever practicable and reasonable, such ten hours work shall be performed within twelve consecutive hours.

(2) The power conferred by subsection 1 may be exercised notwithstanding the provisions of any agreement between <sup>Agreements not to affect power to regulate.</sup> a municipal corporation and a railway company as to hours of labour.

(3) Every company which, and every director, superintendent, manager or officer of a company who contravenes the provisions of any order of the Board made under the authority of subsection 1 or contravenes any of the provisions of this section, shall for each contravention incur a penalty of not less than \$100 and not more than \$250 recoverable under *The Ontario Summary Convictions Act.* 2 Geo. V. c. 37, s. 3. <sup>Penalty.</sup>

## RETURNS.

Annual  
returns  
to be pre-  
pared.

**272.**—(1) Every company shall annually prepare returns in duplicate in accordance with the forms for the time being required and furnished by the Board, of its capital, traffic, and working expenditure, and of all other information required.

Attestation.

(2) Such returns shall be dated and signed by, and attested upon the oath of, the secretary or some other chief officer of the company, and shall also be attested upon the oath of the president, or in his absence of the vice-president or manager of the company.

What period  
to be  
included.

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extend, or if no such returns have been previously made, from the commencement of the operation of the railway, and ending with the last day of June in the preceding year.

When to  
be made.

(4) The duplicate so dated, signed and attested in manner aforesaid shall be transmitted by the company to the Board by registered post within three months after the 30th day of June in each year.

Returns to  
be sub-  
mitted to  
Legislative  
Assembly.

(5) The Board shall transmit the returns so made to the Provincial Secretary and the same shall be laid before the Assembly forthwith, if the Assembly is then in session, or if it is not then in session, within fifteen days after the commencement of the next session. 6 Edw. VII. c. 30, s. 228, *amended*, and *see* 8 and 9 Edw. VII. (Dom.) c. 31, s. 2.

Return of  
accidents to  
be made  
semi-  
annually.

**273.**—(1) Every company shall annually or more frequently if the Board so requires make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return in duplicate of all accidents and casualties whether to persons or to animals or other property which have occurred on the property of the company or in connection with the operation thereof, setting forth—

- (a) the causes and natures of such accidents and casualties;
- (b) the points at which such accidents and casualties occurred, and whether by night or by day; and
- (c) the full extent of such accidents and casualties, and all the particulars thereof. 6 Edw. VII. c. 30, s. 229 (1), and *see* 1 and 2 Geo. V. (Dom.) c. 22, s. 14, *part*.

(2) Such return shall be made for the period beginning <sup>What period</sup> from the date to which the then last return made by the com- <sup>to be</sup> <sup>included.</sup> pany extended, or, if no such return had been previously made, from the commencement of the operation of the railway and ending with the last day of June in the current year.

(3) Every company shall also when required by the Board return a true copy of the existing by-laws of <sup>Copies of</sup> <sup>by-laws</sup> <sup>to be</sup> <sup>furnished.</sup> the company and of its rules and regulations for the management of the company and of its railway, or of such other undertaking or business of the company as it is authorized to carry on. *New. See 1 and 2 Geo. V. (Dom.) c. 22, s. 14, part.*

**274.** The Board may order and direct any company to <sup>Additional</sup> <sup>returns of</sup> make up and deliver to the Board from time to time, in <sup>accidents.</sup> addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Board deems necessary and requires for its information with a view to public safety. *New. See R.S.C. c. 37, s. 373.*

**275.** The Board may order and direct the form in which <sup>Forms to be</sup> <sup>appointed</sup> <sup>by the</sup> <sup>Board.</sup> such returns shall be made. 6 Edw. VII. c. 30, s. 230.

**276.**—(1) The Board may, from time to time, by notice <sup>Returns to</sup> <sup>Board of</sup> served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent, to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,

- (a) the assets and liabilities of the company; <sup>Assets and</sup> <sup>liabilities.</sup>
- (b) the amount of its stock issued and outstanding and <sup>Of stock</sup> <sup>issued and</sup> <sup>outstanding</sup> the date at which any such stock was so issued;
- (c) the amount and nature of the consideration re- <sup>Considera-</sup> <sup>tion for</sup> <sup>issue.</sup> ceived by the company for such issue, and in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued;
- (d) the gross earnings or receipts or expenditure by <sup>Of earnings</sup> <sup>and expen-</sup> <sup>diture.</sup> the company during any periods specified by the Board, and the purposes for which such expenditure was made;

(e)

- Of bonuses.** (e) the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given;
- Of bonds.** (f) the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed;
- Consideration for bonds.** (g) the amount and nature of the consideration received by the company for the issue of such bonds;
- Of secured liabilities.** (h) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created;
- Of cost of acquisitions.** (i) the cost of construction of the company's railway or of any part thereof;
- Of cost of property.** (j) the amount and nature of the consideration paid or given by the company for any property acquired by it;
- Of leases and contracts.** (k) the particulars of any lease, contract or arrangement entered into between the company and any other company or person; and
- Generally.** (l) generally, the extent, nature, value and particulars of the property, earnings, and business of the company. 6 Edw. VII. c. 30, s. 232, and *see* R.S.C. c. 37, s. 375 (1).
- Powers of Board respecting returns.** (2) The Board may summon, require the attendance of, and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by the notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section mentioned, and for such purposes may require the production to the Board of any books or documents in control of the company, or of such officer, servant, agent or person. 6 Edw. VII. c. 30, s. 233, and *see* R.S.C. c. 37, s. 375 (2).
- Of inquiries respecting same.**
- Production of documents.**



(3) Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public or published, but shall be for the information of the Board only. Information for Board only.

(4) The Lieutenant-Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in manner aforesaid. Or for Lieut. Governor in Council.

(5) The Board may authorize any part of such information to be made public when and in so far as there may appear to the Board to be good and sufficient reasons for so doing, but if the information so proposed to be made public by the Board is of such a character that the company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to the company and hearing any objection which the company may make to such publication. Board may authorize publication. *New. See R.S.C. c. 37, s. 375 (3), (4), (5).*

**277.** If any company or officer, servant, or agent thereof fails or neglects to make any of the returns required by this Act or by the Board under the authority thereof when and as required by the Board, or fails to make any such return to the utmost of its or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally incur a penalty recoverable under *The Ontario Summary Convictions Act* not exceeding \$10 for every day during which such default continues. Refusal to make returns. Penalties. 6 Edw. VII. c. 30, s. 234, *amended*, and *see R.S.C. c. 37, s. 419.*

**278.**—(1) If any company, or officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent offending shall be severally liable to a penalty not exceeding \$500 recoverable under *The Ontario Summary Convictions Act*. Making false returns to Board.

(2) Every such officer, servant or agent so offending shall also on conviction be liable to imprisonment for any period not exceeding six months. Penalty. 6 Edw. VII. c. 30, s. 235.

#### INVESTIGATION OF ACCIDENTS.

**279.**—(1) Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company of any accident attended with personal injury to any person using the railway or to any Notice of accident.

employee



employee of the company, or whereby any bridge, viaduct, culvert or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof with full particulars, to the Board. 6 Edw. VII. c. 30, s. 237 (1), *part*, and *see* R.S.C. c. 37, s. 292 (1).

Penalty for omission.

(2) Every company which wilfully and negligently omits to give such notice shall incur a penalty of \$100 for every day during which the omission to give the same continues. 6 Edw. VII. c. 30, s. 237 (1), *part*, *amended*.

Form of notice and investigation into accidents.

(3) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged.

Inquiries.

(4) The Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(5) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident.

Result of enquiry to be reported to Government.

(6) The Board shall include in its annual report to the Lieutenant-Governor in Council the result of any such enquiry with such recommendations as to it may seem proper. 6 Edw. VII. c. 30, s. 237 (2-4).

When evidence.

**280.** Returns and notices relating to accidents made or given in pursuance of the provisions of this Act shall not be admissible in evidence in any court except to enforce the penalties for failure or neglect to furnish a return where it is incomplete or inaccurate. 6 Edw. VII. c. 30, s. 231, and *see* R.S.C. c. 37, s. 374.

#### ANIMALS AT LARGE.

Damages caused to or by cattle on railway.

**281.**—(1) When any horse, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company, and by reason thereof damage is caused to or by such animal, the person suffering such damage shall, subject to the provisions of the next following section, be entitled to recover the amount of such damage in any court of competent jurisdiction, unless the company establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of

such

such animal or his agent; but nothing herein shall be construed as relieving any person from the penalty imposed by section 283. *New. See* 9 and 10 Edw. VII. (Dom.) c. 50, s. 8. Proviso.

(2) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway. 6 Edw. VII. c. 30, s. 238 (1), and *see* R.S.C. c. 37, s. 294 (1). Cattle not allowed at large near railway.

(3) The fact that any such animal was not in charge of some competent person shall not, if the animal was killed or injured upon the property of the company, and not at a point of intersection with the highway, deprive the owner of his right to recover. *New. See* R.S.C. c. 37, s. 294 (5). When killed on property of company.

(4) All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds them at large, be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom they are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof as in the case of cattle impounded for trespass on private property. 6 Edw. VII. c. 30, s. 238 (2), and *see* R.S.C. c. 37, s. 294 (2). Cattle may be impounded.

(5) If the horses, sheep, swine or other cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured. 6 Edw. VII. c. 30, s. 238 (3), and *see* R.S.C. c. 37, s. 294 (3). Right of action negatived.

(6) This section shall apply only to railways operating by steam or electricity upon a right of way owned by the company. 6 Edw. VII. c. 30, s. 238 (4). Application of section.

**282.** No person who suffers damage proveable under the next preceding section or by reason of the company failing to comply with section 114, shall have any right of action against such company for such damage if it was caused by reason of any person,— No right of action if

- (a) for whose use any farm crossing is furnished failing to keep the gates at each side of the railway closed, when not in use; or, Gates not closed.

(b)

Or wilfully  
left open.

(b) wilfully leaving open any gate on either side of the railway provided for the use of any farm crossing, without some person being at or near such gate to prevent animals from passing through the gate on to the railway; or,

Or fence  
taken down.

(c) other than an officer or employee of the company while acting in the discharge of his duty taking down any part of a railway fence; or,

Or cattle  
turned  
within  
railway  
inclosure.

(d) turning any such horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or,

Or railway  
used with-  
out consent.

(e) except as authorized by this Act, without the consent of the company, riding, leading or driving any such horse, cattle, or other animal, or suffering the same to enter upon any railway, and within the fences and guards thereof. 6 Edw. VII. c. 30, s. 87 (5) and (6), *part*, and *see* R.S.C. c. 37, s. 295 (c) and 9 and 10 Edw. VII. (Dom.) c. 50, s. 9.

#### OFFENCES AND PENALTIES.

##### Offences.

### 283. Every person who,—

Leaving  
gates open.

(a) wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; or,

Taking  
down  
fences.

(b) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or,

Turning  
animals  
into railway  
inclosure.

(c) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or,

Allowing  
animals to  
go upon  
railway.

(d) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;

shall

shall for every such offence incur a penalty of \$20 recoverable under *The Ontario Summary Convictions Act*. Penalty.

(2) Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission. Damages to the company.

(3) Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission of such offence all damages thereby sustained. 6 Edw. VII. c. 30, s. 87 (6), *part*, and *see* R.S.C. c. 37, s. 407 (b). Damages to person injured.

**284.**—(1) No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock or in the acquisition of any shares, bonds or other securities issued by any other railway company; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company. Purchasing stock in other companies.

(a) The acquisition of each share, bond or other security, or interest, shall be deemed a separate contravention of this subsection.

(2) Every director of a railway company who knowingly permits the funds of such company to be applied either directly or indirectly in contravention of subsection 1, shall incur a penalty of \$500 for each such contravention. Liability of directors.

(3) Such penalty shall be recoverable on information filed in the name of the Attorney-General and one-half thereof shall belong to His Majesty, and the other half thereof shall belong to the informer. 6 Edw. VII., c. 30, s. 239. Penalty, recovery and application.

**285.**—(1) Every person not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, shall incur a penalty not exceeding \$10 recoverable under *The Ontario Summary Convictions Act*. Walking on track prohibited. Penalty.

(2) Every person who

Destruction of fences, bridges, etc.

(a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or,

(b)

Defacing  
notices, etc.

- (b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway;

Fraudu-  
lently  
attempting  
to travel  
without  
paying fare.

- (c) enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway train without paying fare thereon;

Obstructing  
railway  
authorities.

- (d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, railway, or upon any of the premises of the company; or,

Trespass-  
ing.

- (e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes,

Penalty. shall incur a penalty not exceeding \$50 recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 240, and see R.S.C. c. 37, s. 425 (c) (e).

Using level  
crossings.

**286.** Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along such highway shall incur a penalty not exceeding \$10 recoverable under *The Ontario Summary Convictions Act* if:—

Penalty.

If foot-  
bridge.

- (a) the company has erected and completed pursuant to the order of the Board over its railway, at or near, or in lieu of, such highway crossing, a foot bridge, or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges; and,

Maintained.

- (b) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. 6 Edw. VII. c. 30, s. 241, and see R.S.C., c. 37, s. 409.

**287.** Every company which erects, operates or maintains any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of \$50. Penalty for erection, etc., of structures in violation of this Act. 6 Edw. VII., c. 30, s. 242.

**288.**—(1) Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Lieutenant-Governor in Council or of the Board made hereunder, or omits to do any matter, act or thing thereby required to be done on the part of any such company, or person, shall if no other penalty is provided in this or the Special Act for any such act or omission, incur for each offence, a penalty of not less than \$20, and not more than \$5,000, in the discretion of the court before which the same is recoverable. Liability of company, directors, etc., in certain cases. 6 Edw. VII. c. 30, s. 243, *part*. Penalty.

(2) Such company, director, officer, receiver, trustee, lessee, agent or person shall also, in any case, in addition to any such penalty, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby and such damages shall not be subject to any special limitation, except as expressly provided for by this or any other Act. Liability for damage. 6 Edw. VII. c. 30, s. 243, *part*, and *see* 9 and 10 Edw. VII. (Dom.) c. 50, s. 12.

**289.** Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company while on duty shall incur a penalty not exceeding \$25 recoverable under *The Ontario Summary Convictions Act*. Selling liquor to railway employees on duty. 6 Edw. VII. c. 30, s. 244, and *see* R.S.C. c. 37, s. 414.

**290.** Every conductor, locomotive engineer, motorman, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender, or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, shall incur a penalty not exceeding \$400 recoverable under *The Ontario Summary Convictions Act*, and shall upon conviction also be liable to imprisonment for any term not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person. Intoxication while on duty. Penalty.



son or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. 6 Edw. VII. c. 30, s. 245, and *see* R.S.C. c. 37, s. 413.

Contraven-  
tion of rules  
of company.

Penalty.

**291.** Every person who wilfully or negligently violates any lawful by-law, rule or regulation of the company shall incur on summary conviction, for each offence, a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, a penalty not exceeding \$20 recoverable under *The Ontario Summary Convictions Act*, but no such person shall be convicted of any offence unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train. 6 Edw. VII. c. 30, s. 247.

Damaging  
freight with  
intent to  
steal con-  
tents.

**292.** Every person who unlawfully,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company, or—

Drinking or  
wasting  
liquor.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Penalties.

shall incur a penalty not exceeding \$20 recoverable under *The Ontario Summary Convictions Act* and shall be liable to the person aggrieved for any damages sustained by reason of such wrongful act. 6 Edw. VII. c. 30, s. 248, *part*, and *see* R.S.C. c. 37, s. 426.

Interfering  
with electric  
wires, poles  
etc., or  
notices.

**293.** Every person who wilfully breaks down, injures, weakens, destroys or interferes with any pole, wire, insulator, structure or erection for carrying wires of an electric railway company, or for the transmission of electric power, or who shoots at any insulator on any such poles, erections or structures, with fire-arms of any kind, or throws stones or other missiles at, or breaks, or attempts to break the same in any way, or flings or causes to be placed any wire, rope, string or stick at, upon or across the said wires, or without authority climbs any of such poles or structures or erections used for transmitting electric current, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of the Board or of the company or any section or extract from this Act or any other Act of this Legislature, attached or affixed to or upon any pole, tower



tower, fence, post, gate, building or erection of the company, shall incur a penalty not less than \$15 and not exceeding \$100 recoverable under *The Ontario Summary Convictions Act*. 6 Edw. VII. c. 30, s. 248, *part*.

**294.** When the violation of, or failure to comply with, any provision of this Act, or with any regulation, order or direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made thereunder, each day's continuance of such violation, or failure to comply, shall constitute a new and distinct offence. 6 Edw. VII. c. 30, s. 249, and *see* R.S.C. c. 37, s. 428.

Each day's violation of this Act, or order hereunder, a distinct offence.

**295.**—(1) For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by the company shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company as well as that of the person;

Act or omission of officer, etc., deemed to be act or omission of Company.

(2) Anything done or omitted to be done by the company, which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. 6 Edw. VII. c. 30, s. 250, and *see* R.S.C. c. 37, s. 429.

Certain penalties may be imposed on summary convictions.

**296.** No penalty or punishment for a contravention of this Act or of the Special Act, by the company, shall exempt the company from the forfeiture of the privileges or franchise conferred on it by such Acts or by any agreement between the company and any municipal corporation if by the provisions thereof, or by law, the same be subject to forfeiture by reason of such contravention. 6 Edw. VII. c. 30, s. 251.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

## RECOVERY OF PENALTIES.

Penalties to be a first charge on railway, etc., of company.

**297.** If any company has been adjudged to pay a penalty under this Act such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. 6 Edw. VII. c. 31, s. 47 (4), and R.S.C. c. 37, s. 430.

Prosecution for penalty exceeding \$100.

**298.** No prosecution shall be had against any company or any municipal corporation for any penalty under this Act where the penalty may exceed \$100 without the leave of the Board being first obtained. 6 Edw. VII. c. 31, s. 47 (3) and R.S.C. c. 37, s. 431 (4).

Recovery of penalties by action.

**299.** All penalties incurred under any of the sections of this Act, unless otherwise provided, may be recovered by action in the name of His Majesty, by His Majesty's Attorney General for Ontario; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of Ontario to the credit of "The Consolidated Revenue Fund." 6 Edw. VII. c. 30, s. 254.

Application of penalties.

## TRANSMISSION OF POWER ON RIGHT OF WAY.

Crown may use right of way for the transmission of power to municipalities.

**300.** Upon receiving authority in that behalf from the Lieutenant-Governor in Council, the Board, its officers, agents and servants may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality, but the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant Governor in Council and the company. 6 Edw. VII. c. 30, s. 256.

## USE OF RAILWAY BY DOMINION GOVERNMENT.

Provision as to the carriage of His Majesty's mail, etc.

**301.**—(1) His Majesty's Mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen,

constables

constables and others travelling on His Majesty's service, shall at all times, when required by the Postmaster-General, the Commander of the Forces, or any person having the superintendence and command of any police force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions and under such regulations as may be made by the Governor General in Council or the Lieutenant-Governor in Council.

(2) The company shall when required so to do by the Governor General or Lieutenant-Governor, or by any person thereunto authorized by either of them, place any electric telegraph and telephone lines and any apparatus and operators which it has, at the exclusive service of his Government, receiving thereafter reasonable compensation for such service. 6 Edw. VII. c. 30, s. 257.

Government to have exclusive use of telegraph.

#### CONVEYANCES OF LAND.

**302.** Conveyances of land to the company, for the purposes of and powers given by this Act, made in the form set forth in Schedule "A" to this Act or to the like effect, shall be sufficient conveyance to such company, its successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof. 6 Edw. VII. c. 30, s. 258.

Conveyances of land to Company.

**303.** The following Acts and parts of Acts are hereby repealed:

Chapter 241 of the Revised Statutes of Ontario, 1897. Rev. Stat. c. 241.  
(*The Railway Streets and Drains Act*).

Chapter 266 of the Revised Statutes of Ontario, 1897. Rev. Stat. c. 266.  
(*The Railway Accidents Act*).

Chapters 28 (*An Act respecting certain Railways*) and 32 (*An Act respecting mortgages by Electric Railway Companies and Street Railway Companies*) of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria. 63 Vic. caps. 28, 32.

Paragraphs 1 to 3 of section 569 of chapter 19 of 3 Edw. VII. the Acts passed in the 3rd year of the reign of His late c. 19, s. 569, pars. 1-3.

Majesty

Majesty King Edward the Seventh (*The Consolidated Municipal Act, 1903*).

6 Edw. VII. Chapter 30 of the Acts passed in the 6th year of the  
c. 30. said reign (*The Ontario Railway Act*).

8 Edw. VII. Chapters 44 (*An Act to amend The Ontario Railway*  
caps. 44, *Act, 1906*) and 45 (*An Act to amend The Ontario Railway*  
45, 46. *Act, 1906*) and 46 (*An Act to amend The Ontario Railway*  
*and Municipal Board Act, 1906*) of the Acts passed in the  
8th year of the said reign.

9 Edw. VII. Chapter 68 of the Acts passed in the 9th year of the  
c. 68. said reign (*An Act to amend The Ontario Railway Act,*  
*1906*).

10 Edw. VII. Chapters 81 (*An Act to amend The Ontario Railway*  
caps. 81, 83. *Act, 1906*) and 83 (*The Ontario Railway and Municipal*  
*Board Amendment Act, 1910*) of the Acts passed in the 10th  
year of the said reign.

1 Geo. V. Chapters 52 (*An Act to amend The Ontario Railway*  
caps. 52, *Act, 1906*), and 53 (*An Act to amend The Ontario Railway*  
53, 54. *Act, 1906*) and 54 (*An Act to amend The Ontario Railway*  
*and Municipal Board Amendment Act, 1910*) of the Acts  
passed in the 1st year of His Majesty's reign.

2 Geo. V. Chapters 35 (*The Ontario Railway Amendment Act,*  
caps. 35, 37. *1912*) and 37 (*An Act to amend The Ontario Railway and*  
*Municipal Board Act*) of the Acts passed in the 2nd year of  
His Majesty's reign.

Commence-  
ment of  
Act.

**304.** Except as otherwise expressly provided this Act shall come into force on the 1st day of July, 1913. (*See Bill No. 216, 1913.*)

#### SCHEDULE A.

(Section 303.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purpose of its railway, to hold with the appurtenances unto the said The Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this day of one thousand nine hundred and

Signed, sealed and delivered  
in the presence of

ONTARIO

## ONTARIO RAILWAY ACT.

## TABLE SHOWING

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
1	1	
2 (1)	2 (t)	
(2)	Omitted	
(3)	See 2 (k)	
(4)	2 (y)	
(5)	2 (a)	
(6)	2 (b)	
(7)	2 (d)	
(8)	2 (k)	
(9)	2 (l)	
(10)	See 2 (v)	7 and 8 Edw. VII. c. 61,
(11)	2 (e)	s. 9, as 2 (v).
(12)	See 2 (j)	
(13)	2 (h)	
(14)	Omitted	
(15)	Omitted	
(16)	2 (g)	
(17)	Omitted	
(18)	2 (m)	
(19)	2 (c)	
(20)	See 2 (o)	R.S.C. c. 37, s. 2 (21) as
(21)	2 (u)	2 (o).
(22)	Omitted	
(23)	2 (i)	
(24)	2 (z)	R.S.C. c. 37, s. 2 (34), as
(25)	2 (w)	2 (z).
(26)	2 (x)	
(27)	2 (r)	
(28)	2 (s)	
3 (1)	3	
(2)	3	
4	5	
5	6	
6	8	
7 (1)	9 (1)	
(2)	(2)	
(3)	(3), (4)	
(4)	(5)	
8 (1)	10 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4), 20 (2)	
9	11	
10 (1)	12 (1)	
(2)	(2)	
(3)	(3)	
11	13	
12 (1)	14 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
13 (1)	15	
(2)	16	
14 (1)	17 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(6)	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
14 (6)	See 17 (7) (8) (9)	From Companies Act, 2
(7)	17 (10)	Geo. V. c. 31, s. 83
(8)	(11)	(3-5).
(9)	(12)	
(10)	(13)	
15	18	
16	19	
17	20 (1)	
18	21	
19	22	
20	23	
21	24	
22	25	
23	26	
24 (1)	27 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	Omitted	
(6)	(5)	
25	See 28 (2)	
26	28 (1) (2)	From Companies Act, 2
		Geo. V. c. 31, s. 54 (1,
		(2).
	29	From Companies Act, 2
		Geo. V. c. 31, s. 55 (1).
27	30	
28	31	
29 (1)	32	
(2)	Omitted	
(3)	33 (1)	
(4)	(2)	
(5)	34	
30	35 (1)	
31	35 (2) (3)	
32	35 (4)	
33	35 (5), 36	
34	37	
35	38	
36	39	
37	40	
38 (1)	41 (1)	
(2)	(2)	
(3)	(3) (4)	
(4)	(5)	
(5)	(6)	
39	42	
40	43	
41	44	
42	46	
43 (1)	47 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5)	
44 (1)	48 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5)	
45	49 (1)	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
46	49 (2)	
47 (1)	50 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
48	51	
49	52	
50	See 7	
51 (1)	54 (f)	and see R.S.C. c. 37, s. 151 (f).
(2)	(b)	and see R.S.C. c. 37, s. 151 (b).
(3)	(c)	and see R.S.C. c. 37, s. 151 (c).
(4)	Omitted	but see 55 and 58.
(5)	(g)	and see R.S.C. c. 37, s. 151 (g).
(6)	(h)	and see R.S.C. c. 37, s. 151 (h).
(7)	(i)	and see R.S.C. c. 37, s. 151 (i).
(8)	(a)	and see R.S.C. c. 37, s. 151 (a).
(9)	(a)	and see R.S.C. c. 37, s. 151 (a).
(10)	(j)	and see R.S.C. c. 37, s. 151 (j).
(11)	(k)	and see R.S.C. c. 37, s. 151 (k).
(12)	(l)	and see R.S.C. c. 37, s. 151 (l).
(13)	(m)	and see R.S.C. c. 37, s. 151 (m).
(14)	(n)	and see R.S.C. c. 37, s. 151 (n).
(15)	(o)	and see R.S.C. c. 37, s. 151 (p).
(16)	(e)	and see R.S.C. c. 37, s. 151 (e).
(17)	(p)	and see R.S.C. c. 37, s. 151 (q).
		See also R.S.C. c. 37, s. 151 (i) at 54 (d).
52	57	
53	59	
54	61	
55	Omitted	
56 (1) }	62, 1, 2, 3	
(2) }		
(3) }	63, 1	
(4) }	2, 3, 4	
(5)	64	
57 (1) Superseded	65, 1, 2	see R.S.C. c. 37, s. 364 (1) (2) at 65 (1) (2).
(2) Covered by 174 (q.v.), being 211 in this Bill.		
(3)	5	
(4)	6	
(5)	7	
(6)	8	
58 (1)	65, 1	



Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
58 (2)	66 1	
(3)	2-5	
(4)	Omitted	and sec. 66 left to opera- tion of general sec. 7.
59 (1)	70, <i>part</i>	and see R.S.C. c. 37, s. 158 (1).
(2)	71 (1)	
(3)	72 (2)	
(4) ( <i>part</i> )	75	and see R.S.C. c. 37, s. 163 (3) (4).
(5)	Omitted	
(6)	74 (1) (2)	and see R.S.C. c. 37, s. 162 (1) (2).
(7)	74 (3)	and see R.S.C. c. 37, s. 162 (3).
(8)	79 (1-2)	
(9)	77	
(10)	78	
(11)	Omitted	but see s. 75 of the Bill.
(12)	75 (5)	
(13)	71 (3)	and see R.S.C. c. 37, s. 159 (3).
(14)	73	
(15)	76	
60	81	
61 (1)	82, 1	
(2)	4	and see R.S.C. c. 37, s. 185.
62	83	
63	84	
64	85	
65	86	
66	88	
67	89 (1)	
68 (1)	90 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5) (6)	
(6)	(7)	
(7)	(8)	
(8)	(9)	
(9)	(10)	
(10)	Omitted	
(11)	Omitted	
(12)	Omitted	
(13)	Omitted	
(14)	(11)	
(15)	Omitted	
(16)	Repealed by 8 Edw. VII. c. 45, s. 3, and superseded by	(13)
(17)		(14)
(18)		(15)
(19)		(16)
(20)		(17)
(21)		(18)
(22)		(20) (21) (22)
(23)		(23)
(24)		(24)
(25)		(25)
(26)		(26)

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitut- ion or amendment.
68 (27)	90 (27 (28)	
(28)	(29-32)	
(29)	(33)	
(30)	(34) (35)	
69 (1)	92 (1-4)	
(2)	92 (1-5)	
70 (1) Superseded by	94	R.S.C. c. 37, s. 226.
(2)		
71	95	
72	96	
73	97	
74 (1)	87 (1)	and see R.S.C. c. 37, s. 178 (1) <i>part</i> .
(2)	(2)	
(3)	(3)	
(4)	(4) (5)	
(5)	(6)	
(6)	(7)	
75	98	
76 (1)	99 (1)	
(2)	99 (1-4)	
(3)	(1)	
(4)	(5)	
(5) ( <i>part</i> )	(5)	
(6)	(7)	
(7)	(11)	
(8)	Omitted	
(9)	(12)	
77	100	
78	101	
79 (1)	102 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5)	
80	103	and see R.S.C. c. 37, s. 265, introduced as 99 (9).
81	106	
82 (1)	107 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5)	
83 (1)	108 (4)	
(2)	(1)	
(3)	(2, 3, 5)	
(4)	99 (10)	
84 (1)	109 (1)	
(2)	(2, 3)	
85 (1)	110 (1, 4)	
(2)	(5)	
86 (1)	112	
(2)	113	
87 (1)	114 (1, 2, 3)	
(2)	114 (4)	see also 9 and 10 Edw. VII. (Dom.) c. 50, s. 5. replaced by 1 and 2 Geo. V. (Dom.) c. 22, s. 9 at 114 (5).
(3)	Omitted	
(4)	Omitted	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Dominion Railway Act, R.S.C., c. 37, inserted by way of substitution or amendment.
87 (5) (6)	114 (7) 282 282, 283	and see R.S.C. c. 37, s. 295, cl. (c), at 283 (c), and R.S.C. c. 37, s. 407, cl. (1) (b), at 284, 1 (b), <i>part</i> .
88 (1) (2) (3) (4)	116 (1, 3) (4) (5) (6)	
89 (1) (2)	117 (1) (2)	
90 (1)	118 (1, <i>part</i> )	see also R.S.C. c. 37, s. 235, and 1 and 2 Geo. V. (Dom.) c. 22, s. 6.
(2) (3)	118 (2) 118 (3)	
91	119	
92 (1) (2)	120 (1, 2) 122	see also 8 and 9 Edw. VII. (Dom.) c. 32, s. 4.
93	123	and see 8 and 9 Edw. VII. (Dom.) c. 32, s. 5 (1).
94	125	and see 8 and 9 Edw. VII. (Dom.) c. 32, s. 8, <i>part</i> .
95	126	
96	127	
97 (1) (2) (3)	128 (1) (2) (3)	
98 (1) (2) (3) (4) (5) (6) (7)	129 (1) (2) (3) (3) (4, 5) (6) In general section 7	and see R.S.C. c. 37, s. 227 (1), <i>part</i> .
99	132	
100	133	
101 (1) (2) (3)	134 (1) (2) (3)	and see R.S.C. c. 37, s. 170 (2).
102	135	
103	136	
104	137	
105 (1) (2) (3)	Omitted Omitted Omitted	} see 2 Geo. V. c. 68.
106 (1) (2) (3)	138 139 (1) (5) 139 (6)	
107	Omitted as covered by	
108	sections 69 and 70 of this Bill.	
109	80	
110 (1) (2) (3) (4) (5)	91 (1) (2) (3) (4) (5)	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act. R.S.C., c. 37, inserted by way of substitu- tion or amendment.
111	141	
112	142	
113 (1)	143	
(2)	In general section 7	
114 (part)	144	
115	147	
116 (1)	148	
(2)	In general section 7	
117	149	
118 (1)	150 (1), amended	
(2)	(2)	
119 (1)	151 (1)	
(2)	(2)	
(3)	(3, 4)	
120	152	
121	153	
122 (1)	154 (1, 2, 3)	
(2)	(4)	
123	155	
124 (1)	156 (1, 2)	and see R.S.C. c. 37, s.
(2)	153 (1)	277 (1).
(3)	(3)	
(4)	(4)	
125	158	
126 (1)	159 (1)	
(2)	(2)	
127	160	
128 (1)	146 (1)	
(2)	(4)	
(3)	146 (7), 161 (6)	
(4)	146 (3)	and see R.S.C. c. 37, s.
(5)	161 (4)	284 (3).
(6)	(5)	
129 (1)	145 (1, 2)	
(2)	143 (3)	
130 to 146	To go into Municipal Act	
147	162	
148	To go into Municipal Act	
149	To go into Municipal Act	
150	163	
151	164	
152	165	
153	166	
154	168 (1)	
155	168 (2)	
156	167	
157	169	
158	170	
159	172	
160	Omitted—covered by s. 168 (2) of this Bill.	
161	Covered by general section.	
162 (1)	173 (1)	
(2)	(2)	
(3)	(3)	
(4)	(4)	
(5)	(5)	
(6)	(6)	
(7)	(7)	
(8)	(8)	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.		Its position in the draft Bill.		Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substit- ution or amendment.
163	(1)	174	(1)	
	(2)		(2)	
	(3)		(3) 4	
	(4)		(5)	
	(5)		(6)	
	(6)		(7)	
	(7)		(8)	
164	(1)	175	(1) (2) (3)	
	(2)	175	(4) (5)	and see R.S.C. c. 37, s. 383 (1, 2).
	(3)	Covered by general section 7.		
165	(1)	176	(1) (2) (3) (5)	
	(2)		(6)	
			(4) (5)	and see R.S.C. c. 37, s.
166		Covered by the Ontario Railway and Muni- cipal Board Act, ss. 28-30.		383, introduced at 176 (7, 8).
167		265	(3)	
168		177	(1)	
169	(1)		(3)	
	(2)		(4)	
	(3)		(5)	and see 7 and 8 Edw. VII. (Dom.) c. 61, s. 11, part.
	(4)			
170	(1)	186	(1)	
	(2)		(2, 3)	
	(3)		(4, 5)	
	(4)		(6, 7)	
	(5)		(8, 9)	
171	(1)	210	(1)	
	(2)		(1)	
	(3)		(2)	
	(4)	Covered by general section 7.		
	(5)		(3)	
172		219		
173	(1)	177	(2), 187 (1-2)	
	(2)	187	(3)	
	(3)	187	(4)	
	(4)		(5, 6, 7)	
	(5)		(8)	
174	(1)	211,	1, 3, 4, 7	
175		214		
176,	1	213	1	
	2		2	
	3		2	
177		211,	6	
178		217		
179,	1	220,	1, 2	and see R.S.C. c. 37, s. 300
	2	Omitted		
	3	220	(3)	
180		221		
181		222		
182		223		
183		224		
184		225		
185,	1	226,	1	
	2	226,	2, 3	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C, c. 37, inserted by way of substitu- tion or amendment.
186	Omitted	
187	227	
188	Omitted	
189	228	
190	229	
191	230	
192	231	
193, 1	234, 1	
2	2	
3	3	
4	4	
5	5	
6	6	
194, 1	239, 1	
2	2, 3	
3	4	
195	5	
196, 1	240, 1	
2	2	
197, 1	241, 1	
2	2	
3	3	
4	4	
5	5, 6	
6	7	
198 (1)	242, 1	
(2)	2	
(3)	3	
(4)	4	
(5)	5	
199	243	
200	244	
201 (1)	245 1	
(2)	2	
(3)	3	
202 (1)	246, 1, 2	
(2)	3	
203	4, 5	
204 (1)	247, 1	
(2)	3	
205	248	
206	249	
207	Omitted	
208 (1)	252, 1	
(2)	2	
(3)	3	
(4)	4	
209	253, 1	
210	2, 3	
211	4	
212	5	
213 (1)	254, 1, 2	
(2)	3	
(3)	4	
(4)	5	
(5)	6	
214 (1)	255 (1)	
(2)	(2)	
215	257	
216	258	
217	259	

Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Domini- on Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
218 (1)	261, 1, 2, 3	
(2)	4	
(3)	5	
(4)	6	
219	262	
221 (1)	263, 1, 2	
(2)	3	
222 (1)	264, 1	
(2)	2	
(3)	3	
(4)	4	
(5)	See general section 7	
223 (1)	265 (1)	
(2)	(2)	
(3)	See general section 7	
224 (1)	266 (1, 2)	
(2)	(3)	
(3)	(4)	
(4)	See general section 7	
225	267	
226	Omitted	
227	270	
228 (1)	272 (1) (2)	
(2)	(3)	
(3)	(4)	
(4)	Omitted	
(5)	(5)	
229	273	and see 1 and 2 Geo. V. (Dom.) c. 22, s. 14.
230	275	
231	280	
232	276 (1)	
233	(2)	
234	277	
235	278	
236	See general section 7	
237 (1)	279 (1) (2)	and see R.S.C. c. 37, s. 292 (1).
(2)	(3, 4)	
(3)	(5)	
(4)	(6)	
(5)	See general section 7	
238 (1)	281 (2)	
(2)	(4)	
(3)	(5)	
(4)	(6)	
239 (1)	284 (1)	
(2)	(1, 2, 3)	
240 (1)	285 (1)	
(2)	(2)	and see R.S.C. c. 37, s. 425, cl. (c), and (e) at 286, 2 (c) (e).
(3)	(2)	
241 (1)	286	
(2)	286	
242	287	
243	288	
244	289	



Section of the Statute, 6 Edw. VII. c. 30, or amending Acts.	Its position in the draft Bill.	Section of the Dominion Railway Act, R.S.C., c. 37, inserted by way of substitution or amendment.
245	290	see R.S.C. c. 37, s. 413.
246	Omitted	The corresponding section, R.S.C. c. 37, s. 415, being repealed by 7 and 8 Edw. VII. (Dom.) c. 18, s. 15.
247	291	
248 (a)	292	
(b)	292	
(c)	293	
249	294	
250	295	
251	296	
252	See general section 7	
253	Omitted	
254	299	
255	See general section 7	
256	300	
257	301	
258	302	
259	Repealing section	
260	Expired	

Sections of the following Statutes which are inserted in the Ontario Railway Act.	Its position in draft Bill.	Section of Dominion Railway Act inserted in substitution or amendment.
R.S.O. 266, s. 4	116	
5	99 (6)	
63 V. c. 28, 1	268 (1, 2, 3)	
2	(4)	
3	(5)	
4	(6) (7)	
63 V. c. 32, s. 1	53 (2)	
(2-5)	(3-9)	6 and 7 Edw. VII. (Dom.) c. 38, s. 9.
3 Edw. VII. c. 19, s. 569 (1-3)	232 (1) (3)	
	(4) (5)	
6 Edw. VII. c. 31 (The Ontario Railway and Municipal Board Act), s. 19	104 (1-4)	
21	(5)	
47 (3)	298	
(4)	297	
50 (2)	171	
63	260	
8 Edw. VII. c. 44, s. 1	2 (j)	
2	2 (m)	
3	82 (2) (3)	
4	2 (k)	
5 part	90 (7)	

Sections of the following Statutes which are inserted in the Ontario Railway Act.	Its position in draft Bill.	Section of Dominion Railway Act inserted in substitution or amendment.
8 Edw. VII. c. 44, s. 6	115	
8 Edw. VII. c. 45, s. 1	90 (6)	
	2 90 (10)	
	3 see 90 (13).	
	4 see 90 (15) (19).	
8 Edw. VII. c. 46, s. 1	104 (j)	
9 Edw. VII. c. 68, s. 1	235, 236, 237,	
	238	
10 Edw. VII. c. 81, s. 1	Omitted	
	2 233	
	3 250	
	4 232 (2)	
	5 Expired	
10 Edw. VII. c. 83, s. 1	Omitted	
	2 105 (1)	
	3 (2)	
	4 (3)	
	5 (4)	
	6 (5)	
	7 Omitted	
	8 Omitted	
	9 105 (6)	
	10 105 (7)	
1 Geo. V. c. 52, s. 1	131	
c. 53, s. 1	256	
c. 54, s. 1	105 (8) (9)	
2 Geo. V. c. 35, ss. 1-8	212	
2 Geo. V. c. 37, s. 3	271	

Sections of the Dominion Railway Act, R.S.C. c. 37, and amendments thereto which have had no counterpart in the Ontario Railway Act and are now inserted in the draft Bill.

Section.	Position in draft Bill.
2 (9)	2 (f)
(19)	2 (n)
(21)	2 (o)
(22)	2 (p)
(23)	2 (q)
7	4
30 (1) (a) (b)	104 (1) (a) (b)
78	215
112 (3).	17 (5)
134	45
151 (d)	54 (d)
154	58
157 (1)	69 (1)
(2)	(2)
(3)	(3)
(4)	(4)
(5)	(5)
(6)	(6)
158 (2)	70 (2)
(3)	(3)
(4)	(4)
(5)	(5)
(6)	(6)

Section.	Position in draft Bill.
159 (2)	71 (2)
(4)	(4)
160 (1)	72 (1)
163 (3)	75
(4)	75
167 (3)	79 (3)
(4)	(4)
(5)	(5)
170 (1) <i>part</i>	133
176	60
180 (5)	92
185 (d) (e)	82 (4)
190	86 (3)
192 (2)	89 (2)
202	90 (11)
203	90 (11)
204	90 (12)
207 (2)	90 (14) (b)
221	93 (1)
222	(2)
223 (1)	(3)
(2)	(4)
224 (1)	(5)
(2)	(6)
(3)	(7)
225	(8)
226	94
228	130
230	55
231	56
235 (1) <i>parts</i>	118
239	121
245 (3)	62 (4)
249	111
257 (3)	117 (3)
(4)	(4)
(5)	(5)
258 (1)	161 (2)
(2)	(3)
(3)	(1)
264 (7)	99 (8)
265	99 (9)
275	157 (1) (2)
284 (2)	146 (2)
(5)	(5)
(6)	(6)
294 (5)	280 (3)
317 (2)	211 (2)
(5)	(5)
318 (3)	214 (3)
321 (1)	188 (1)
(2)	(2)
(3)	(3)
322	189
323 (1)	190 (1)
(2)	(2)
(3)	(3)
(4)	(4)

Section.	Position in draft Bill.
324 (1)	191 (1)
(2)	(2)
(3)	(3)
325	192
326 (1)	193 (1)
(2)	(2)
(3)	(3)
(4)	(4)
327 (1)	194 (1)
(2)	(2)
(3)	(3)
(4)	(4)
328 (1)	195 (1)
(2)	(2)
(3)	(3)
(4)	(4)
329 (1)	196 (1)
(2)	(2)
330 (1)	197 (1)
(2)	(2)
(3)	(3)
331 (1)	198 (1)
(2)	(2)
(3)	(3)
332 (1)	199 (1)
(2)	(2)
(3)	(3)
(4)	(4)
333 (1)	200 (1)
(2)	(2)
(3)	(3)
334 (1)	201 (1)
(2)	(2)
(3)	(3)
(4)	(4)
337 (1)	202 (1)
(2)	(2)
338 (1)	203 (1)
(2)	(2)
339 (1) <i>part</i>	204 (1)
(2)	(2)
(3)	(3)
(4) <i>part</i>	(4)
340	216
342	218
348 (1)	178 (1)
(2)	(2)
349	179
350	180
351, <i>part</i>	181
352	182
353 (1)	183 (1)
(2)	Omitted
(3)	183 (2)
354 (1)	184 (1)
(2)	(2)
362	67
363 (1)	68 (1)
(2)	(2)
364 (3)	65 (3)
(4)	(4)
373	274

Section.	Position in draft Bill.
375 (3)	276 (3)
(4)	(4)
(5)	(5)
383 (3)	175, 176
398 (1)	205
399 (1)	206
400 (1)	207 (1)
(2)	(2)
(3)	(3)
401 (1)	208
402 (1)	209
403	185
6 and 7 Edw. VII. c. 38, s. 9	53 (i)
7 and 8 Edw. VII. c. 61, s. 9	2 (v)
10	146 (8)
11 (6)	177 (1) (5) (6)
8 and 9 Edw. VII. c. 32, s. 3	89 (2)
4, <i>part</i>	120 (3) (4) (5) (6)
5	123
6	124
8	125
12	288 (2)
13	157 (3-5)
9 and 10 Edw. VII. c. 50, s. 5	114 (4)
8	280 (1)
9	282
11	217 (c)
12	288 (2)
1 and 2 Geo. V c. 22, s. 2	104 (1) (g) (h) (i)
4	71 (5)
6	118 (1)
7	63 (5)
8	109 (4)
9	114 (5) (6)
10	139 (2) (3) (4), 140
11	195 (3)
13	269
14	273 (2) (3)

## CHAPTER 37.

An Act respecting The Ontario Railway and  
Municipal Board.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	General rules of practice, s. 43.
INTERPRETATION, ss. 2, 3.	Findings of the Board upon questions of fact, s. 45.
APPLICATION OF ACT, s. 4.	Stating case for Court of Appeal, s. 46.
CONSTITUTION, OFFICES, SITTINGS, ss. 5-15.	Power of Lieutenant-Governor in Council to vary or rescind, s. 47.
SECRETARY, ss. 16-18.	APPEALS, s. 48.
SALARIES AND STAFF, ss. 19, 20.	REFERENCE OF MATTERS TO BOARD BY GOVERNMENT, s. 49.
JURISDICTION AND GENERAL POWERS, ss. 21-27.	COSTS, s. 50.
May act upon its own initiative, s. 23.	EXPENSE OF WORKS ORDERED BY BOARD, s. 51.
May have counsel, 24.	BOARD MAY ORDER ENQUIRIES, ss. 52, 53.
May re-hear or review, 25.	WITNESS FEES, s. 54.
PRACTICE AND PROCEDURE, ss. 28-47.	ADDITIONAL POWERS, s. 55.
Notices, ss. 28, 29, 36.	ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC., s. 56.
Duty of company or municipal corporation on receipt of order, s. 30.	ANNUAL REPORT, s. 57.
Sheriffs, etc., to obey orders of Board, s. 31.	ACCOUNTS OF RAILWAYS AND PUBLIC UTILITIES, s. 58.
Evidence of documents, ss. 33, 34.	SECRECY OF PROCEEDINGS, s. 59.
Procedure in urgent cases, s. 37.	LABOUR DISPUTES, ss. 60, 61.
Orders of Board may be made orders of Court, s. 38.	FEES AND EXPENSES, ss. 62, 63.
Terms of Orders, ss. 39-42, 44.	REPEAL, s. 64.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.** 1. This Act may be cited as "*The Ontario Railway and Municipal Board Act.*" 6 Edw. VII. c. 31, s. 1.

**Interpretation.** 2. The interpretation sections of "*The Ontario Railway Act,*" shall apply to this Act. 6 Edw. VII. c. 31, s. 2.

3. In this Act,

"Public utility"

(a) "Public Utility" shall mean and include any waterworks, gasworks, electric heat, light and power works and telegraph or telephone lines or any works supplying the general public with necessities or conveniences.

(b)

(b) "Railway" shall include a street railway. 6 Edw. "Railway."  
VII. c. 31, s. 3, *part*.

4. The provisions of this Act relating to railways shall <sup>Application of Act.</sup> apply to all railways, whether operated by steam, electricity or other motive power, including street railways. 6 Edw. VII. c. 31, s. 3, *part*.

#### CONSTITUTION OF THE BOARD.

5.—(1) The Lieutenant-Governor in Council may from <sup>Appointment of Commission.</sup> time to time appoint a Commission to be called "The Ontario Railway and Municipal Board."

(2) The Board shall be composed of three members, one <sup>Constitution of Board.</sup> of whom shall be appointed by the Lieutenant-Governor in Council to be the Chairman and another to be the Vice-Chairman, and each of them shall continue so to be while he is a member of the Board.

(3) Vacancies caused by death, resignation or otherwise <sup>Vacancies.</sup> may be filled by the Lieutenant-Governor in Council, but a vacancy shall not impair the power of the remaining members to act.

(4) The Board shall have all the powers of a Court of <sup>Board to have powers of Court of Record.</sup> Record and shall have an official seal which shall be judicially noticed

(5) The members of the Board shall hold office during <sup>Tenure of office.</sup> pleasure. 6 Edw. VII. c. 31, s. 4 (2-6), and *see* 7 and 8 Edw. VII. (Dom.) c. 62, ss. 2, *part*, and 4.

5—(a) Provided, however, a member of the Board shall cease to hold office upon reaching the age of seventy-five years; and

(b) The Chairman of the Board, if at the time of his appointment a Barrister of at least ten years standing at the Bar, shall not be removed at any time by the Lieutenant-Governor in Council, except upon an address of the Legislative Assembly. (*See* R.S.C. Cap. 37, sec. 10.)

(6) Whenever

(a) any power or authority is given to or duty imposed <sup>Powers, etc., of Railway Committee transferred to Board.</sup> upon the Railway Committee of the Executive Council of Ontario by any Act or document;

(b) by any Act of this Legislature the location of any <sup>Location of line.</sup> line of railway or the route and course thereof, or the maps, plans, and specifications, or any part of the equipment, are subject to the approval of the Lieutenant-Governor in Council or of any of his Ministers; or

(7)



Furnishing  
informa-  
tion.

such power or authority may be exercised and such duty shall be performed and such approval may be given by the Board.

(7) Whenever in any Act it is provided than any railway company shall during construction of any line of railway furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant-Governor or any of his Ministers or that such company shall comply with any directions that may be given for the erection of stations or the number of them, such information shall be furnished to the Board and its directions shall be complied with by the company. 6 Edw. VII. c. 31, s. 4, *part*. 7 Edw. VII. c. 38, s. 1.

Power of  
Vice-Chair-  
man.

**6.**—(1) In case of the absence of the Chairman, or of his inability to act or of a vacancy in the office the Vice-Chairman shall exercise the powers of the Chairman for or instead of the Chairman, and in such case all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman.

Presumption  
of having  
duly acted

(2) Whenever the Vice-Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman-within the meaning of this section. 6 Edw. VII. c. 31, s. 5.

Quorum.

**7.** Two members shall form a quorum and except as provided by section 8 not less than two members shall attend at the hearing of every case, and the Chairman, when present, shall preside, and his opinion upon any question of law shall prevail. 6 Edw. VII. c. 31, s. 6, *part, amended*. See 7 and 8 Edw. VII. (Dom.) c. 62, s. 4.

Questions  
of law.

Where  
applications  
unopposed.

**8.** In any case in which there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board. 6 Edw. VII. c. 31, s. 6, *part*.

Reference  
to a  
member.

**9.** The Board, or the Chairman may authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such member shall have all the powers of two members sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the

Board

Board, or otherwise dealt with as to the Board seems proper.  
*New. See 7 and 8 Edw. VII. (Dom.) c. 62, s. 4, part.*

**10.** Whenever any member is interested in any matter before the Board, the Lieutenant-Governor in Council may, upon the application of such member or otherwise, appoint some disinterested person to act as a member, *pro hac vice*, and the Lieutenant-Governor in Council may also appoint a member during sickness, absence or inability to act, of any member. 6 Edw. VII. c. 31, s. 7.

**11.—(1)** No member or officer of the Board shall, directly or indirectly,

(a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security, of any railway company, street railway company or public utility subject to this Act; or,—

(b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of street railways, or of any rolling stock to be used thereon, or of any such public utility.

(2) If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to, or vest in any member or officer of the Board by will or succession, for his own benefit he shall, within three calendar months after the same shall so come to or vest in him, absolutely sell and dispose of the same, or his interest therein. 6 Edw. VII. c. 31, s. 8 (1) *amended*, and *see 7 and 8 Edw. VII. (Dom.) c. 62, s. 5.*

(3) No member or officer of the Board shall act as director or officer of any public utility company or of any company which has power to invest any portion of its funds in the securities of a railway, street railway, or public utility company. 6 Edw. VII. c. 31, s. 8 (2).

**12.** The members shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. 6 Edw. VII. c. 31, s. 9.

**13.** The Lieutenant-Governor in Council shall provide within the City of Toronto, a suitable place in which the sittings of the Board may be held, and also suitable offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment

establishment, conduct and maintenance of the same, and for the performance of the duties of the Board. 6 Edw. VII. c. 31, s. 10.

Sittings  
of Board.

**14.**—(1) The Board shall sit at such times and places and conduct its proceedings in such manner as may seem to it most convenient for the speedy despatch of business.

Private or  
public.

(2) The sittings may be either private or open to the public, but any complaint made to the Board shall, on the application of any party to the complaint, be publicly heard and determined. 6 Edw. VII. c. 31, s. 11.

Use of court  
house.

**15.**—(1) Where sittings of the Board or of any member thereof are appointed to be held in any city, town or place in which a Court House is situate, the member presiding at any such sittings, shall have, in all respects the same authority as a Judge of the High Court in regard to the use of the Court House and other buildings or apartments set apart in the county or district for the administration of justice.

Use of town  
hall.

(2) Where sittings are appointed to be held in any municipality in which there is a Hall belonging to the corporation of the municipality but no Court House, the corporation of the municipality shall allow such sittings to be held in such Hall. 6 Edw. VII. c. 31, s. 12.

Secretary.

**16.**—(1) There shall be a Secretary of the Board, who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Duties of  
Secretary.

(2) It shall be the duty of the Secretary to:—

Attend  
sittings.

(a) attend all sittings of the Board;

Keep  
minutes.

(b) keep a record of all proceedings conducted before the Board or any member;

Custody  
of records.

(c) have the custody and care of all records and documents belonging or appertaining to the Board, or filed in his office;

Obey  
directions.

(d) obey all rules and directions made or given by the Board touching his duties or his office;

Authentica-  
tion of  
regulations  
and orders.

(e) see that every regulation and order made by the Board is drawn pursuant to the direction of the Board, properly authenticated, and filed in his office;

(f)

- (f) keep in his office suitable books of record, in which <sup>Record books.</sup> he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original <sup>Evidence.</sup> record of any such regulation or order. 6 Edw. VII. c. 31, s. 13 (2) (a) (b) (c).

**17.** Upon application of any person, and on payment of <sup>Certified copies of regulations or orders.</sup> such fees as the Board may prescribe, the Secretary shall deliver to such person a certified copy of any such regulation or order. 6 Edw. VII. c. 31, s. 13 (2) (d).

**18.** In the absence of the Secretary, the Board may <sup>Acting Secretary.</sup> appoint from its staff a Secretary *pro tempore*, who shall act in the place of the Secretary, or a member of the Board may act as Secretary. 6 Edw. VII. c. 31, s. 13 (2) (e) (f).

**19.**—(1) The Chairman shall be paid an annual salary <sup>Salaries.</sup> of \$6,000, and each of the other two members shall be paid an annual salary of \$4,000 and the Secretary shall be paid an annual salary to be fixed by the Lieutenant-Governor in Council not exceeding \$2,400. 6 Edw. VII. c. 31, s. 14, *amended*.

(2) Such salaries shall be payable out of the Consolidated <sup>How payable.</sup> Revenue Fund and shall be paid *pro rata* for any period less than a year. 6 Edw. VII. c. 31, s. 62, *amended*.

**20.**—(1) The Lieutenant-Governor in Council may from <sup>Experts.</sup> time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. 6 Edw. VII. c. 31, s. 15 (1).

(2) There shall be attached to the Board such officers, <sup>Staff of Board.</sup> clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time appoints, and the Board may, with the approval of the Lieutenant-Governor in Council, dismiss any of them. 6 Edw. VII. c. 31, s. 15 (2) *part*; 2 Geo. V. c. 37, s. 1.

(3) The officers, clerks, stenographers and messengers <sup>Salaries.</sup> attached to the Board shall receive such salaries or remuneration as may be approved by the Lieutenant-Governor in Council upon the recommendation of the Board. 6 Edw. VII. c. 31, s. 15 (2) *part*, and *see* R.S.C. c. 37, s. 36.

Payment of  
appointee  
to make  
inquiry.

(4) Whenever the Board by virtue of any power vested in it by this Act or any other Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, or such other Act, such person shall be paid such sum for services and expenses as the Lieutenant-Governor in Council may upon the recommendation of the Board determine. 6 Edw. VII. c. 31, s. 15 (3) *amended*.

Salaries and  
expenses of  
staff, etc.,  
how to  
be paid.

(5) The salaries or remuneration of all such officers, clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act or such other Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their offices, shall be paid monthly out of moneys appropriated by this Legislature for that purpose. 6 Edw. VII. c. 31, s. 15 (4).

#### JURISDICTION AND GENERAL POWERS.

Jurisdiction  
of Board  
upon appli-  
cation.

**21.**—(1) The Board shall have jurisdiction to enquire into, hear and determine any application by or on behalf of any person interested, complaining that any company, person or municipal corporation, constructing, maintaining or operating any railway, street railway, telegraph or telephone system, or any public utility, or having the control thereof, or charged with the performance of any duty or the exercise of any power in relation thereto—

Neglect of  
duty under  
any Act,  
regulation,  
order or  
agreement.

(a) has failed to do any act, matter or thing required to be done by this Act, or by any other general or special Act, or by any regulation, order or direction made thereunder or by any agreement entered into by the company, person or municipal corporation, or by any stipulation or condition in a municipal by-law accepted or acted upon by the company, person or municipal corporation;

Contraven-  
tion of  
Act, etc.

(b) has done or is doing any act, matter or thing contrary to or in contravention of this Act, or any such other Act, or any such regulation, order or direction, or any such agreement, stipulation, or condition; or

Charging  
excessive  
tolls.

(c) is charging tolls in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful, unfair or unjust;

and

and requesting the Board to make any order, or give any direction, sanction or approval which by law it is authorized to give or make. 2 Geo. V. c. 37, s. 2, *amended*. Giving orders, directions or approval.

(2) The Board may order and require any company, person or municipal corporation to do forthwith or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter, or thing which such company, person, or municipal corporation, is or may be required to do under this Act, or under any other general or special Act, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any such regulation, order, direction, agreement or by-law. General powers.

(3) The Board shall, as to all matters within its jurisdiction, have authority to hear and determine all questions of law or of fact. Questions of law and fact.

(4) The Board shall, as respects the amendment of proceedings, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction, or otherwise for carrying this Act or any other general or special Act into effect, have all such powers, rights and privileges as are vested in the High Court. Powers of amendment &c., &c. All powers of a High Court. 6 Edw. VII. c. 31, s. 17 (1), and 39, *part, amended*.

(5) The fact that a manager or other official of any railway, street railway or public utility, or a liquidator or receiver has been appointed by, or is managing or operating a railway, street railway or public utility under the authority of any court, shall not be a bar to the exercise by the Board of any jurisdiction conferred by this Act or by any other general or special Act; but every such liquidator, receiver, manager or official shall be bound to manage and operate such railway, street railway or public utility in accordance with this Act and with the orders and directions of the Board, whether general, or referring particularly to such railway, street railway or public utility; and he, and every person acting under him, shall obey all orders of the Board in respect of such railway, street railway or public utility, and be subject to have them enforced against him by the Board, notwithstanding the fact that such manager, official, liquidator or receiver is appointed by or acts under the authority of any court. Case of receiver &c., acting under authority of court. Board retains jurisdiction. *New. See R.S.C. c. 37, s. 26 (4).*

Parties.  
Decision of  
Board final.

(6) The decision of the Board as to whether any company, person or municipal corporation is or is not a party interested within the meaning of this section, shall be binding and conclusive upon all companies, persons and municipal corporations. 6 Edw. VII. c. 31, s. 17 (2), *part*.

Powers of  
Hydro-  
Electric  
Power Com-  
mission.

(7) Nothing in this section shall confer upon the Board any jurisdiction as to matters which under *The Power Commission Act*, and the amendments thereto, are within the jurisdiction of The Hydro Electric Power Commission of Ontario. (*New*).

Board's  
jurisdiction  
exclusive.

**22.** The Board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by any other general or special Act. 6 Edw. VII. c. 31, s. 17 (3), *part*.

When  
Board may  
act.

**23.**—(1) The Board may, of its own motion, and shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it.

Power to act  
from time to  
time.

(2) Any power, or authority vested in the Board under this Act or any other Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. 6 Edw. VII. c. 31, s. 18.

Appoint-  
ment of  
counsel.

**24.**—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, or of his own motion, appoint counsel to appear before the Board and conduct any enquiry or hearing or to represent the Board upon the argument of any appeal to a Divisional Court of the Appellate Division. 7 Edw. VII. c. 38, s. 2, *amended*.

Costs.

(2) The Board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Treasurer of Ontario. *New*. See 6 and 7 Edw. VII. (Dom.) c. 38, s. 1.

Power to  
rehear,  
review, etc.

**25.** The Board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision or order made by it. 6 Edw. VII. c. 31, s. 19 (4), and see 7 and 8 Edw. VII. (Dom.), c. 62, s. 8.



**26.** If default is made by a company or person or by a municipal corporation in the doing of any act, matter or thing, which the Board has authority under this or any other Act, general or special, to direct and was directed to be done, the Board may authorize such person as it may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company, person or municipal corporation in default as money paid for and at the request of such company, person, or municipal corporation, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof. 6 Edw. VII. c. 31, s. 20.

Default in obeying order, Board may direct work to be done by others and expense to be paid by defaulter.

**27.** The Board shall also have power to enforce its orders and directions in like case and in the manner and by the means provided in section 260 of *The Ontario Railway Act*. 6 Edw. VII. c. 31, s. 22.

Enforcing orders of Board.

#### PRACTICE AND PROCEDURE.

##### *Notices. Evidence.*

**28.** Any notice required or authorized to be given in writing,—

Notice, requisites of.

(a) by the Board, may be signed by the Chairman or Secretary;

(b) by the inspecting engineer, or other officer or person appointed by the Board, may be signed by such inspecting engineer, officer or other person, as the case may be;

(c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and

(d) by any person, may be signed by such person or his duly authorized agent or solicitor. 6 Edw. VII. c. 31, s. 23 (1), *part*, and see R.S.C. c. 37, s. 40.

**29.**—(1) Any notice required to be given to a company, a municipal or other corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by de-

Notices, how served.

livering the same, or a copy thereof, within the time, if any, limited therefor,—

Railway  
company.

(a) in the case of a railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

Municipality.

(b) in the case of a municipal corporation, to the head of the municipality, or to the clerk;

Other  
companies.

(c) in the case of any other company or corporation, to the president, vice-president, manager or secretary, or to some adult person in its employ at its head office;

Co-partnership.

(d) in the case of a firm or co-partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or at the office or place of business of the firm to a clerk employed therein; and,

Individuals.

(e) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or at his office or place of business to a clerk in his employ. 6 Edw. VII. c. 31, s. 23 (1), *part*, and see R.S.C. c. 37, s. 41 (1).

Service by  
publication.

(2) If, in any case within the jurisdiction of the Board, it is made to appear to the satisfaction of the Board, that service of any such notice cannot conveniently be made in the manner provided in the next preceding subsection, the Board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper; and such publication in each case shall be deemed to be equivalent to service in the manner provided in the said subsection.

Service of  
other documents.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. 6 Edw. VII. c. 31, s. 23 (2) (3), and see R.S.C. c. 37, s. 41 (2) (3).

Duty of  
company on  
receipt of  
notice or  
order.

**30.** Every company and every municipal or other corporation shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may

be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. 6 Edw. VII. c. 31, s. 24, *amended*.

**31.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Secretary be paid by the county interested, the like fees as for similar services at the sittings of the High Court for the trial of actions, and such fees shall be charged as expenses of the administration of justice. 6 Edw. VII. c. 31, s. 25; 10 Edw. VII. c. 82, s. 1.

Sheriffs,  
etc., to  
obey orders  
of Board.

**32.** Every written or printed document purporting to have been issued or authorized by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document. 6 Edw. VII. c. 31, s. 50 (2).

Documents  
issued by  
company.

**33.—**(1) Every document purporting to be signed by the Chairman and Secretary, or by either of them, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 29 for service of notice, that such document was duly signed and issued by the Board, or inspecting engineer as the case may be.

Evidence of  
documents.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report, and when served in the manner provided by section 29, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service. 6 Edw. VII. c. 31, s. 26.

Evidence of  
regulations,  
etc., etc.

**34.—**(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the

Certified  
plan, etc.,  
*prima facie*  
evidence.

the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Certified  
copies of  
documents  
of Board.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, purporting to be certified by the Secretary to be a true copy, and purporting to be sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the Secretary. 6 Edw. VII. c. 31, s. 27.

Publication  
of regula-  
tions and  
orders.

Judicial  
notice.

**35.** Any rule, regulation, order or decision of the Board when published by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette*, and, while the same remains in force, shall have the like effect as if enacted in this Act, and all Courts shall take judicial notice thereof. 6 Edw. VII. c. 31, s. 28, and *see* R.S.C. c. 37, s. 31.

Notice of  
application.

Board may  
vary length  
of time.

**36.** Unless otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient, but the Board may in any case direct longer or permit shorter notice of the application. 6 Edw. VII. c. 31, s. 29, and *see* R.S.C. c. 37, s. 43.

Procedure  
in urgent  
cases when  
no notice  
given.

**37.—(1)** When the Board is authorized to hear an application, complaint, or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

Rehearing  
on applica-  
tion made  
within ten  
days after  
notice  
served.

(2) Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision or dismiss the application, as may seem to it just. 6 Edw. VII. c. 31, s. 30.

[Secs. 31, 32 and 33 omitted as relating only to the transfer of jurisdiction from the Railway Committee of the Executive Council to the Board.]

*Orders of Court.*

**38.**—(1) A certified copy of any order or decision made by the Board under this Act or any general or special Act, may be filed in the office of the Clerk of Records and Writs, and shall thereupon become and be enforceable as a judgment or order of the High Court to the same effect, but the order or decision may be nevertheless rescinded or varied by the Board. 6 Edw. VII. c. 31, s. 34 (1) (2). *Redrafted.*

Decisions or orders of Board may be enforced in High Court.

(2) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action. 6 Edw. VII. c. 31, s. 34 (4).

Board may select method of enforcing order.

*Terms of Orders.*

**39.**—(1) The Board may direct in any order that the same, or any portion or provision thereof, shall come into force, at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event.

Contingent orders.  
Subject to terms.  
Limited as to time.

(2) The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions, either for an adjourned hearing of the matter or for further application. 6 Edw. VII. c. 31, s. 35.

Interim orders.

**40.** Upon any application to the Board the Board may make an order granting the whole, or part only, of such application, or may grant such further or other relief, in addition to, or in substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. 6 Edw. VII. c. 31, s. 36.

May grant partial or other relief than that applied for

**41.** The Board may, if the special circumstances of any case, in its opinion, so require, make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. 6 Edw. VII. c. 31, s. 37.

Interim ex parte orders.  
Proviso.

**42.** When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if

Extension of time specified in order.

if the circumstances of the case, in its opinion, so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. 6 Edw. VII. c. 31, s. 38.

*General Rules.*

May make rules governing its procedure and practice.

**43.** The Board may make general rules regulating its practice and procedure. 6 Edw. VII. c. 31, s. 39, *amended*.

*Other Provisions.*

Presumption of jurisdiction to make order.

**44.** An order of the Board need not show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order. 6 Edw. VII. c. 31, s. 40.

Judgments of other courts on questions of fact not binding upon Board.

**45.**—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court in any action, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Jurisdiction of Board not affected by collateral suits.

(2) The pendency of any action, prosecution or proceeding, in any other court involving questions of fact shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding of Board on questions of fact conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. 6 Edw. VII. c. 31, s. 41, *amended*, and 17 (2), *part*.

May state case for opinion of Court of Appeal for Ontario.

**46.**—(1) The Board may at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party, and upon such security being given as it directs, state a case in writing, for the opinion of the Court of Appeal, upon any question which in the opinion of the Board is a question of law.

Action thereon.

(2) The Court of Appeal shall hear and determine such special case, and remit the same to the Board with the opinion of the court thereon. 6 Edw. VII. c. 31, s. 42.

Power of Lieut.-Governor in Council to vary or rescind orders or regulations of the Board.

**47.**—(1) The Lieutenant-Governor in Council may, at any time, upon petition of any party, person or company interested, all parties interested having been first heard vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Lieutenant-Governor in Council may make with

respect

respect thereto shall be binding upon the Board and upon all parties. *New. See R.S.C. c. 37, s. 56 (1).*

(2) This section shall apply to orders or decisions here-<sup>Application of section.</sup> tofore or hereafter made or given. *New.*

#### APPEALS.

48.—(1) An appeal shall lie from the Board to a <sup>Appeal to Court of</sup> Divisional Court of the Appellate Division of the Supreme <sup>Appeal on questions of jurisdiction.</sup> Court upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from or within such further time as the Court under the special circumstances of the case shall allow, after notice to the opposite party stating the grounds of appeal. 6 Edw. VII. c. 31, s. 43 (2), and *see R.S.C. c. 37, s. 56 (2) (3), and 9 and 10 Edw. VII. (Dom.), c. 50, s. 1.*

(2) Upon such leave being obtained the Registrar shall <sup>Security for costs.</sup> set the appeal down for hearing at the next sittings; and the party appealing shall within ten days give to the parties affected by the appeal, or the solicitors by whom such parties <sup>Notice of appeal.</sup> were represented before the Board, and to the Secretary, notice in writing that the case has been so set down; and the appeal shall be heard by such court as speedily as practicable.

(3) On the hearing of any appeal the Court may draw all <sup>Opinion of court.</sup> such inferences as are not inconsistent with the facts expressly found by the Board and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion.

(4) The Board shall be entitled to be heard, by counsel <sup>Board may be heard by counsel.</sup> or otherwise, upon the argument of any such appeal.

(5) The Supreme Court shall have power to fix the costs <sup>Rules of court as to cost, etc.</sup> and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made, the rules and practice applicable to appeals from the High Court to a Divisional Court of the Appellate Division of the Supreme Court shall be applicable to appeals under this Act.

(6) When the matter in controversy exceeds the sum or <sup>Appeals to Privy Council in certain cases.</sup> value of \$4,000 or relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation



corporation, or to any demand affecting the rights of the public or to any demand of a general or public nature affecting future rights, an appeal shall lie from the Divisional Court of the Appellate Division of the Supreme Court to His Majesty in His Privy Council, but no appeal shall lie to His Majesty in His Privy Council in any other case.

Members of Board not liable for costs.

(7) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section. 6 Edw. VII. c. 31, s. 43 (3) to (8).

(8) Save as provided in this section and in section 47,

Decisions of Board to be final.

(a) Every decision or order of the Board shall be final; and,

Not to be questioned by prohibition, etc.

(b) No order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court. 6 Edw. VII. c. 31, s. 17 (3), *part*, and 43 (1), *part*.

Lieutenant-Governor in Council may refer to Board for report.

49. The Lieutenant-Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done in respect of a railway, street railway or public utility subject to the jurisdiction of the Board under any general or special Act, and the Board shall without unnecessary delay comply with the Order in Council. 6 Edw. VII. c. 31, s. 44, *amended*.

Costs.

50.—(1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed.

By whom paid.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale of costs.

(3) The Board may prescribe a scale under which such costs shall be taxed. 6 Edw. VII. c. 31, s. 45.

Expenses of works ordered by Board.

51.—(1) When the Board, in the exercise of any power vested in it, by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipal corporation or person, interested or affected by such order, as the case may be, and when or within what time, and upon what

what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained.

(2) The Board may order by whom, in what proportion and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. 6 Edw. VII. c. 31, s. 46.

Board may order by whom to be constructed and paid.

*Section 47 struck out, and subsections 3 and 4 thereof transferred to Ontario Railway Act, sections 298 and 299.*

#### INQUIRIES.

**52.**—(1) The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the Board, or upon any matter or thing over which the Board has jurisdiction.

Board may order inquiries.

(2) The Board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses. 6 Edw. VII. c. 31, s. 48.

**53.** The Board, inspecting engineer, or person appointed under this Act to make any inquiry or report may:—

Powers respecting inquiries.

- (a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite; Entry.
- (b) inspect any works, structure, rolling stock or property of the company; Inspection.
- (c) require the attendance of all such persons as it or he thinks fit to summon, and examine and require answers or returns to such inquiries as it or he thinks fit to make; Attendance of witnesses and replies.
- (d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him; Production of documents, etc.
- (e) administer oaths, Oaths.

and

Summoning witnesses and enforcing attendance.

and shall have the like power to summon witnesses and enforce their attendance, and compel them to give evidence and to produce books, papers or things which they are required to produce, as is vested in any court in civil cases. 6 Edw. VII. c. 31, s. 49.

Witness fees.

**54.** Every person summoned to attend before the Board or before any inspecting engineer, or person appointed to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court. 6 Edw. VII. c. 31, s. 50 (1).

#### ADDITIONAL POWERS OF BOARD.

Telegraph and telephone wires, etc.

**55.** The Board may require any company, person or municipal corporation, subject to its jurisdiction, to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property. 6 Edw. VII. c. 31, s. 54 (1).

#### ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

Board to enquire and report on certain matters at request of Government or Legislature.

**56.** The Board shall when required so to do by the Lieutenant-Governor in Council, the Assembly or any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, the Assembly or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed Bill relating to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate a public utility, and upon the conclusion of such enquiry the Board shall report its opinion thereon. 6 Edw. VII. c. 31, s. 55.

#### ANNUAL REPORT OF BOARD.

Annual report.

**57.**—(1) The Board shall make an annual report on or before the 31st day of January in each year to the Lieutenant-Governor, which shall contain—

- (a) a record of its meetings and an abstract of its proceedings during the preceding calendar year;
- (b) a statement of the result of any examination or investigation conducted by it;

(c)

- (c) such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway as may seem to it advisable;
- (d) such tables and abstracts of all the reports of all the railway and street railway companies as it may deem expedient;
- (e) a statement in detail of its disbursements;
- (f) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways, subject to this Act; and,
- (g) such matters as the Lieutenant-Governor in Council directs.

(2) The Lieutenant-Governor shall lay the report before the Assembly forthwith, if then in session, or if not then in session, within fifteen days after the commencement of the next session. 6 Edw. VII. c. 31, s. 56, and *see* R.S.C. c. 37, s. 62. Report to be laid before Assembly.

**58.**—(1) The Board shall superintend the system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of all railways, street railways and public utilities which are operated by or under the control of a municipal corporation or a commission appointed by a municipal corporation, and may require from any such municipal corporation or commission such returns and statements as to the Board may seem proper and may extract from such returns and statements such information as in the opinion of the Board may be useful for publication, and may embody such portions of such returns and statements in the annual report of the Board as to it may seem proper. 6 Edw. VII. c. 31, s. 57. May require statements, etc., from public utilities operated by municipalities.

(2) The Board may from time to time enquire and report as to whether such railway, street railway, or public utility is operated in such a way that the rates charged in respect thereof, are sufficient to pay the debenture debt and interest created in respect thereof, and the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes. 7 Edw. VII. c. 38, s. 3, *amended*. Enquiry and report as to rates charged by public utilities.

Exception.

(3) This section shall not apply to a municipal corporation or commission as respects a public utility for the development or distribution of electrical power or energy. *New.*

#### SECRECY OF PROCEEDINGS.

Publishing  
information  
without  
leave.

**59.** If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall incur a penalty not exceeding \$500 for such offence and shall also be liable to imprisonment for any term not exceeding six months. R.S.C. c. 37, s. 43.

Penalty.

#### ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

May arbitrate labour difficulties.

**60.**—(1) A dispute between a railway, street railway or public utility company and its employees may be submitted to the Board for its determination and settlement.

Submission to be in writing.

(2) The submission shall be in writing, and shall contain a statement of the matters in dispute, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

Duty of Board upon submission.

(3) Upon such submission the Board shall investigate and determine the matters in dispute, and shall render its decision within ten days after the completion of the investigation.

Procedure in such cases.

(4) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet. 6 Edw. VII. c. 31, s. 58, *amended.*

#### MEDIATION IN CASE OF STRIKE OR LOCKOUT.

To endeavour to mediate in case of strikes.

**61.**—(1) Whenever a strike or lockout of the employees of any railway, street railway, or public utility company occurs, or is threatened, the Board shall proceed as soon as prac-

ticable

licable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy.

(2) Wherever there exists any such strike or lock-out by reason of which in the opinion of the Board the general public is likely to suffer injury or inconvenience with respect to food, fuel or light, power, the means of communication or transportation, or in any other respect, and the parties to such strike or lockout will not consent to submit the matters in controversy to the Board, the Board, after having first endeavoured to effect a settlement by conciliatory means and having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lock-out, and shall make public its findings, with such recommendations to the parties, as, in its judgment, will contribute to a fair and equitable settlement of their differences, and in the prosecution of such enquiry the Board shall have all the powers conferred upon it by section 53. 6 Edw. VII. c. 31, s. 59.

#### FEEs TO BE CHARGED AND COLLECTED BY THE BOARD.

**62.**—(1) The Board may charge and collect such fees, as it may seem proper, for all copies of documents, maps or plans, and all certificates as to the same.

(2) All fees charged and collected by the Board shall be paid over quarterly, accompanied by a detailed statement thereof, to the Treasurer of Ontario. 6 Edw. VII. c. 31, s. 60.

**63.** There shall be paid in law stamps upon every order made by the Board such sum as it may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Board, and the order may be made an order of the High Court. 6 Edw. VII. c. 31, s. 61.

**64.** The following Acts are repealed, namely:

Repeal of:  
6 Edw. VII.  
c. 31.

Chapter 31 of the Acts passed in the 6th year of the reign of His late Majesty, King Edward the Seventh.

7 Edw. VII.  
c. 38.

Chapter 38 of the Acts passed in the 7th year of the said reign.

10 Edw.  
VII. c. 82.

Chapter 82 of the Acts passed in the 10th year of the said reign.

2 Geo. V.  
c. 37.

Sections 1 and 2 of chapter 37 of the Acts passed in the second year of His Majesty's reign.

## APPENDIX.

## ONTARIO RAILWAY AND MUNICIPAL BOARD ACT.

## TABLE SHOWING

Section of the Statute, 6 Edw. VII., c. 31, or amending Acts.	Its position in the draft Bill.	Section of the Dominion Railway Act, R.S.C., c. 37, inserted by way of substitution or amendment.
1	1	
2	2	
3, 1	3 and 4	
2	3	
4, 1	Omitted	
2	5 (1)	
3	(2)	
4	(3)	and see 7 and 8 Edw. VII. (Dom.), c. 62, s. 2, part, and s. 4.
5	(4)	
6	(5)	
7	(6)	
5	6	
6	7, 8	See 7 and 8 Edw. VII. (Dom.), c. 62, s. 4.
7	10	
8, 1	10 (1) (2)	See 7 and 8 Edw. VII. (Dom.), c. 62, s. 5.
2	11 (3)	
9	12	
10	13	
11	14	
12, 1	15 (1)	
2	(2)	
13, 1	16 (1)	
2 (a) (b) (c)	16 (2)	
(d)	17	
(e) (f)	18	
14	19 (1)	
15, 1	20 (1)	
2	(2) (3)	
3	(4)	
4	(5)	



Section of the Statute, 6 Edw. VII., c. 31, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
16	Superseded by 2 Geo. V., c. 37, s. 2, now appearing amended at	21 (1) 21 (2-4) (6) and 45 (3) 22 and 48 (8) (b) 23 (1) (2)
17, 1		
2		
3		
18, 1		
2		
19, 1	Into Ont. Ry. Act	104 (1) 104 (2) (3) (4)
2		
3		
4	Board Act 25	and see 7 and 8 Edw. VII. (Dom.), c. 62, s. 8.
20		26
21	Into Ont. Ry. Act	104 (5)
22	Board Act	27
23, 1		28, 29 (1) (2) (3)
2		
3		
24		30
25		31
26		33
27, 1		34 (1) (2)
2		
28		35
29		36
30		37
31		Omitted
32		do
33		do
34 (1)		38 (1) (1) Omitted (2)
(2)		
(3)		
(4)		
35		39
36		40
37		41
38		42
39		43
40		44
41, 1		45 (1) (2) (3)
2		
3		
42, 1		46 (1) (2)
2		
43, 1		48 (8) (a)
2		(1)
3		(2)
4		(3)
5		(4)
6		(5)
7		(6)
8		(7)
44		49
45, 1		50 (1) (2)

and see 9 and 10 Edw.  
VII. (Dom.), c. 50,  
s. 1.

Section of the Statute, 6 Edw. VII., c. 31, or amending Acts.	Its position in the draft Bill.	Section of the Domin- ion Railway Act, R.S.C., c. 37, inserted by way of substitu- tion or amendment.
2	(3)	
46	51	
47, 1	Omitted	
2	Omitted	
3	Ont. Ry. Act, 299	
4	Ont. Ry. Act, 298	
48	Board Act 52	
49	53	
50, 1	54	
2	32	
51, 1	To be transferred to Assessment Act	
2		
3		
4		
52, 1	To be transferred to Assessment Act	
2		
53	To be transferred to Municipal Act	
54, 1	55	
2	Omitted	
55	56	
56	57 (1)	
57	58 (1)	
58, 1	60 (1) (2)	
2	(3)	
3	(4)	
59 (1)	61 (1)	
(2)	(2)	
60	62	
61	63	
62	19 (2)	
63	To be transferred to Ont. Ry. Act, s. 260.	
64	Omitted	
65	Omitted	
66	Omitted	

**Sections of the fol-  
lowing Statutes  
which are insert-  
ed in the Ont.  
Ry. and Mun.  
Board Act.**

7 Edw. VII., c. 38, s. 1	5 (6)
2	24 (1)
3	58 (2)
10 Edw. VII., c. 82, s. 1	31
2 Geo. V., c. 37, s. 1	20 (2)
2	21 (1)

Sections of The Dominion Railway Act, R.S.C., c. 37, and amendments thereto which have had no counterpart in the provisions of the Ontario Railway and Municipal Board Act and are now inserted in the draft Bill.

Section.	Position in draft Bill.
R.S.C., c. 37, s. 26 (4)	21 (5)
56 (1)	47 (1)
62 (1) (b) (c) and 2	57
423	59
6 and 7 Edw. VII. (Dom.), c. 38, s. 1	24 (2)
7 and 8 Edw. VII. (Dom.), c. 62, s. 4, part	9
do do c. 62, s. 8, part	25
9 and 10 Edw. VII. (Dom.), c. 50, s. 1, part	48 (1)

## CHAPTER 38.

## An Act respecting the Public Construction and Operation of Electric Railways.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title. **1.** This Act may be cited as *The Hydro Electric Railway Act*.

Interpretation. **2.** In this Act,

"Commission." "Commission" shall mean The Hydro Electric Power Commission of Ontario.

"Corporation." "Corporation" shall mean a municipal corporation, other than the Municipal corporation of a county.

Commission to enquire and report. **3.** Whenever required by the Lieutenant-Governor in Council so to do The Commission may enquire into, examine, investigate and report upon,

(a) The cost of constructing and operating an electric railway, in any locality in which electrical power or energy may be supplied by The Commission under *The Power Commission Act*;

(b) The municipalities, the inhabitants of which will be served by such railway;

(c) The population of each of such municipalities as shown by the last enumeration thereof by the assessors;

(d)

(d) An estimate of the probable revenue from the railway;

(e) The practicability of the undertaking and its economic value to the locality to be served by it.

4.—(1) A corporation or two or more corporations may if authorized by the Lieutenant-Governor in Council so to do enter into an agreement with the Commission for the construction, equipment and operation of an electric railway to be operated by electrical power or energy supplied by the Commission.

Agreement  
with corporations  
for construction  
of line.

(2) The agreement may provide for,

Matters  
which may  
be provided  
for in  
agreement.

(a) The location of the line of the railway;

(b) The character of the equipment and service to be furnished and the maximum tolls or fares to be chargeable thereon.

(c) The proportion in which the cost of construction, equipment, maintenance and operation of the railway shall be borne by each of the corporations interested.

(d) The issuing of debentures of the corporation or of each of the corporations for raising the amount of such cost.

(e) The proportion of the revenue from such railway to be paid annually by the Commission to each corporation after deducting the charges herein-after mentioned.

(f) The construction of the railway upon any right of way acquired by the Commission for the transmission of electrical power or energy under *The Power Commission Act* and the amount chargeable to the railway by way of rental or otherwise for the use of such right of way.

<sup>7</sup> Edw. VII.  
c. 19.

(3) Instead of providing for the construction and operation of the Railway by the Commission, the agreement may provide for its construction by the Commission and for its operation by the Corporation, or for its construction and operation by the corporation or corporations, and in either case for the supply by the Commission of the electrical power requisite for the operation of the railway on such terms and

Agreement  
for construction  
and operation  
by corporation.

conditions

conditions as may be agreed on between the corporation or corporations and the Commission.

Construc-  
tion on  
right of  
way of  
Commission.

(4) Where the railway is to be constructed and operated by the corporation or corporations, the Commission may agree with them to permit the railway to be constructed upon the right of way or other lands of the Commission on such terms and conditions as may be agreed on.

Approval of  
Lieutenant-  
Governor  
in Council.

(5) The agreement shall not come into effect until it has been sanctioned by the Lieutenant-Governor in Council and has been approved by by-law passed with the assent of the municipal electors of each municipality.

Annual  
payments  
by muni-  
cipalities to  
defray cost.

5.—(1) The council of every corporation entering into an agreement with the Commission under this Act shall annually raise and pay over to the Commission such sums as may be required by it in the construction, equipment, maintenance and operation of the railway including the costs of the supply of electrical power or energy to the extent and in the proportions fixed by the agreement and for that purpose may issue debentures of the corporation payable in not more than forty years from the date of the issue thereof.

Assent of  
electors not  
necessary.

(2) It shall not be necessary to obtain the assent of the electors to the passing of any by-law for incurring a debt under this section.

Construc-  
tion and  
operation  
by Public  
Utilities  
Commission.

6. Where the agreement provides for the construction and operation or for the operation of the railway by a corporation or by two or more corporations it shall also provide for the management of the railway and its operation by a Public Utilities Commission to be approved by the Lieutenant-Governor in Council and it shall provide as to the mode of appointing the members of the commission and for the proportions in which each corporation shall contribute to the cost of its construction, maintenance and operation and for the proportion in which each of them shall share in the income, revenue and profits derived from the operation of the railway, and such corporation or corporations or commission shall have the right to construct and operate the railway notwithstanding that it does not lie wholly within one or more of the municipalities, the corporations of which may have entered into the agreement.

Powers and  
duties of  
Public  
Utilities  
Commission.

3-4 Geo. V.  
c. 41.

7. A Public Utilities Commission appointed under the provisions of the next preceding section shall have all the powers and perform all the duties of a Public Utilities Commission appointed under *The Public Utilities Act*.

8. Subject to the provisions of section 5, where an agreement has been entered into under section 4 the Commission may construct, complete, equip, maintain, and operate the railway therein provided for, and for that purpose shall have and may exercise the powers of a company incorporated by Special Act for the construction of such a railway under the provisions of *The Ontario Railway Act*, so far as the same are applicable.

Powers of Commission as to construction and operation.

3-4 Geo. V. c. 36.

9. Where land is required for any of the purposes for which land may be acquired or expropriated under *The Ontario Railway Act*, the Commission in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of the said Act, shall, *mutatis mutandis* apply.

Taking lands

3-4 Geo. V. c. 36.

10 Edw. VII. c. 11.

10. The Commission shall apply the revenue derived from the operation of the railway to the payment of working expenses of the railway and after payment of the same shall annually pay over the balance, if any, to the corporations, parties to the agreement in the proportions fixed thereby.

Application of revenue by Commission.

11. All sums received by the corporation or corporations shall be applied in the first place in the payment of the principal and interest of any debt incurred under the authority of this Act in the manner prescribed by the Commission.

Application of profits by corporation.

12. Sections 68 to 97 of *The Ontario Railway Act* shall not apply to the Commission or to any railway constructed or operated by it.

Certain sections of Railway Act not to apply.

13. Sections 8 to 12 shall apply only where the agreement provides for the construction of the railway by the Commission.

Application of ss. 8-12.

14. No action or prosecution shall be brought against the Commission or any member thereof or any of its officers under *The Ontario Railway Act* without the consent of the Attorney General of Ontario.

Actions not to be brought against Commission without fiat.

15. Neither the Province nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimates, plans or specifications prepared or furnished by the Commission.

No liability for errors in estimates.

16. Every railway and the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission under this Act shall be vested in the Commission in trust for the Corporations parties to the agreement for the construction and operation of the railway.

Works vested in Commission



## CHAPTER 39.

## An Act respecting Aid to Certain Railways

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Canadian  
Northern  
Ontario  
Railway,  
Sallwood  
Junction to  
Port  
Arthur.

**1.** Clause *a* of section 4, of an Act, respecting Aid to the Canadian Northern Ontario Railway, 9 Edward VII. Chapter 71, is amended by striking out the figures 1913 in the fifth line thereof, and substituting therefor the figures 1915.

Extension  
of time  
for earning  
subsidy,  
Irondale,  
Bancroft  
and Ottawa  
Railway.

**2.** Section 45 of *The Statute Law Amendment Act*, 1912, is amended by striking out the figures 1913 in the fifth line thereof, and substituting the figures 1915 therefor.

Extension  
of time of  
earning  
subsidy to  
the Central  
Ontario  
Railway.

**3.** Clause *c* of Section 65 of the Act passed in the first year of the reign of His Majesty, King George V., and chaptered 17, is repealed and the following substituted therefor:—

(c) The work of constructing the Central Ontario line of railway shall be completed within two years from the 13th day of April, 1913.

## CHAPTER 40.

## An Act to amend The Ontario Telephone Act

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Clause (f) of section 2 of *The Ontario Telephone Act* is amended by inserting after the word "person" in the second line thereof the words "who signs a petition to the council of a municipality praying for the establishment of a local telephone system, which is afterwards established pursuant to such petition, or," <sup>2 Geo. V. c. 38, s. 2, cl. f. amended.</sup>

Subsection 1 of section 8 of the said Act is amended by <sup>2 Geo. V. c. 38, s. 8, amended.</sup> inserting after the word "county," in the second line thereof the word "village."

**2.** Section 8 of the said Act is further amended by adding <sup>2 Geo. V. c. 38, s. 8, amended.</sup> thereto the following subsections:—

- (4) The council of every city may, without the consent of the electors, pass by-laws granting from time to time to any telephone company upon such terms and conditions as may be thought expedient the exclusive right within the municipality for a period not exceeding one year at any one time to use the streets and lanes in the municipality for the purpose of placing in, upon, over or under the same, poles, ducts and wires for the purpose of carrying on a telephone business and may on behalf of the municipal corporation enter into agreements with any such company for a period not exceeding one year not to give to any other company or person for such period

any

any license or permission to use such streets or lanes for any such purpose, but no such by-law shall be passed nor shall any such agreement be entered into without the assent of two-thirds of the members of the council of the municipality being present and voting therefor and further no by-law providing for the renewal of such agreement for a further period of one year shall be passed without the assent of two-thirds of the members of the council of the municipality, in the year succeeding that in which the original by-law or by-law renewing the original agreement was passed, being present and voting therefor.

Power of Board to determine differences as to use of highways.

- (5) Subject to the provisions of the preceding subsections of this section whenever the council of a municipality and a company are unable to agree as to the terms and conditions upon which the right to use the highways, squares, or lanes in the municipality shall be granted, the council and the company may, by mutual consent, refer the matters in dispute to the Board, in which event the Board, after hearing the evidence of all persons interested, may prescribe such terms and conditions, and thereupon such terms and conditions shall be binding upon the corporation of the municipality and the company.

2 Geo. V.  
c. 38, s. 10,  
amended.

3. Section 10 of the said Act is amended by adding at the end thereof the words: "And after having been affixed thereto no name shall be removed from the petition unless by consent of the Board."

2 Geo. V.  
c. 38, s. 13,  
amended.

4. Section 13 of the said Act is amended by inserting after the word "municipality" in the second line thereof the words "or on the petition of ten resident assessed landowners of such adjoining municipality and with the approval of the Board, may,"

2 Geo. V.  
c. 38, s. 14,  
amended.

5. Section 14 of the said Act is amended by adding thereto the following subsection:—

Payment for services by municipal officials.

- (2) The initiating municipality shall pay to its clerk, treasurer and collector, and to the clerk, treasurer and collector of the other municipalities into which its system extends, a reasonable remuneration for services performed by them or any of them under this Act. Such remuneration

tion shall be fixed by agreement between the official performing the services and the council of the municipality or the commissioners, as the case may be, and, failing agreement, by the Board, on an application to it for that purpose.

6. Section 16 of the said Act is amended by striking out<sup>2 Geo. V. c. 38, s. 16, amended.</sup> the words "otherwise upon such terms as may be agreed upon" in the fifth and sixth lines thereof and substituting therefor the words "lease or may expropriate," and by adding at the end thereof the following words, "and in case of expropriation, making such compensation therefor as may be agreed upon or in case of failure to agree as may be determined by arbitration under *The Municipal Act*."

7. Subsection 9 of section 17 of the said Act is amended<sup>2 Geo. V. c. 38, s. 17.</sup> by inserting after the word "municipality" in the first line thereof the words "before proceeding to establish a system, or construct any extension thereof which may require the issue of additional debentures;" by inserting after the word "Board" in the second line thereof the words "a certified copy of the by-law providing for the establishment of such system or for the construction of such extension, together with such;" by striking out the words "of the proposed telephone system or lines, together with" in the second and third lines thereof; by striking out the word "such" in the sixth line thereof; by striking out the word "works" in the seventh line thereof, and inserting in lieu thereof the words "system or any extension thereof;" by striking out the word "their" in the eighth line thereof and by substituting therefor the word "such" and by inserting the word "by-law" after the word "such" in the ninth line thereof.

8. Subsection 10 of section 17 of the said Act is repealed<sup>2 Geo. V. c. 38, s. 17, subsec. 10 repealed.</sup> and the following subsections substituted therefor:—

- (10) If in the establishment of a telephone system or any extension thereof it is proposed to erect poles, cables or wires upon or along a highway, upon or along which are located the poles, cables or wires of a telephone company, which is within the Legislative jurisdiction of Ontario the initiating municipality before proceeding to erect such poles, cables or wires shall fix a price to offer and shall offer to purchase from the company at such price its system or such part thereof as it is proposed to duplicate, and if the company does not accept the price so offered within a period of one month from the date of the offer the price to be offered shall be fixed by the Board.

Offer to purchase system of company at price agreed upon or fixed by Board

Right of  
municipality  
on refusal  
of company  
to accept  
price fixed.

- (11) If the company does not within one month from the decision of the Board accept the offer of the initiating municipality to purchase at the price fixed by the Board the initiating municipality may proceed to erect such poles, cables or wires upon or along such highway, or may expropriate such part of the system of the company as may be located within the limits of the initiating municipality or within the limits of any adjoining municipality into which the initiating municipality has authority to extend its system or lines making such compensation therefor as may be agreed upon or in case of failure to agree as may be determined by arbitration under *The Municipal Act*.

- (12) The three next preceding subsections shall apply to a municipal corporation proposing to establish a telephone system under the provisions of section 3.

2 Geo. V.  
c. 38, s. 21.  
amended.

**9.** Section 21 of the said Act is amended by adding thereto the following subsection:

- (7) For the purposes of this section "subscribers" shall mean and include only assessed landowners who are resident in the initiating municipality or in an adjoining municipality into which the initiating municipality has the right to extend its system, and whose premises are connected with the telephone system of the initiating municipality or who may have applied to have their premises so connected.

2 Geo. V.  
c. 38, s. 26  
(4),  
amended.

**10.** Subsection 4 of section 26 of the said Act is amended by adding at the end thereof the following words: "and the Board may make such orders in regard to the construction, reconstruction, operation or maintenance of any telephone system which it may deem desirable or necessary in the public interest."

2 Geo. V.  
c. 38, s. 26,  
amended.

**11.** Section 26 of the said Act is further amended by adding the following subsections:

- (3a) The Board may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by companies subject to the provisions of this Act.

- (6) The Board may approve of regulations made by any company for the purpose of preventing wilful interference with or interruption of conversations or messages over the lines of any telephone system, and any person offending against any of such regulations shall incur a penalty not exceeding \$25, recoverable under The Ontario Summary Convictions Act.

**12.** Section 28 of the said Act is amended by striking out <sup>2 Geo. V. c. 38, s. 28,</sup> the words "effecting an interchange of service between two amended.  
or more telephone systems or lines" in the third and fourth lines thereof and substituting therefor the words: "carrying into effect any order of the Board made in accordance with the provisions of sections 33 and 36 of this Act for any company"; by inserting after the words "of a" in the fifth line thereof the word "town"; by striking out the words "beyond the limits of the municipality in which any of such telephone systems is located, the company operating" in the sixth and seventh lines thereof; by striking out the word "system" in the eighth line thereof and substituting therefor the word "company"; and by inserting the word "town" after the words "of the" in the tenth line thereof.

## CHAPTER 41.

An Act respecting the Construction and Operation of Works for supplying Public Utilities by Municipal Corporations and Companies.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Public Utilities Act. New.*

Interpretation. **2.** In Parts III., IV., V. and VI. of this Act, "Public Utility" or "Public Utilities" shall mean water, artificial or natural gas, electrical power or energy, steam and hot water. *New.*

## PART I.

## MUNICIPAL WATERWORKS.

Establishment of works and expropriation of land, etc. **3.**—(1) The corporation of a local municipality may, under and subject to the provisions of this Part, acquire, establish, maintain and operate waterworks and may acquire by purchase or otherwise and may enter on and expropriate land, waters and water privileges and the right to divert any lake, river, pond, spring or stream of water within or without the municipality, as may be deemed necessary for waterworks purposes, or for protecting the waterworks or preserving the purity of the water supply.

Limitation of power to expropriate. (2) No land, water or water privilege which is not situate within or within 15 miles of the municipality shall be expropriated under the powers conferred by subsection 1, and no water shall be taken from any lake or river except within or within 15 miles of the municipality, or in either case so as to interfere with the waterworks of any other municipal corporation or the supply of water therefor then in actual use. R.S.O. 1897, c. 235, ss. 2-5, *redrafted.*



(3) The corporation may purchase the waterworks of any person situate within or in the neighbourhood of the municipality and may improve and extend the same and for the purpose of any improvement or extension may exercise all the powers conferred by this Part. R.S.O. 1897, c. 235, s. 39, *redrafted*. Power to acquire existing works.

4. The provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. *New*. Construction of necessary works.

5.—(1) The corporation may construct and maintain, in and upon the land acquired by it, such reservoirs, water and other works, plant and machinery as may be requisite for the undertaking, and may by pipes or otherwise convey the water thereto and therefrom, in, upon, and through any lands lying between the reservoirs and waterworks and the lake, river, pond, spring or stream of water from which the water is procured or between them or any of them and the municipality. R.S.O. 1897, c. 235, s. 11, *redrafted*. Provision as to paying compensation.

(2) The corporation, and its servants, may for such purposes enter and pass upon and over such intermediate land and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over, and under the highways, lanes, and other public communications within the municipality, or within the distance limited by subsection 2 of section 3, and in, upon, through, over, and under the land of any person within the municipality. Power to enter on intermediate lands.

(3) All such highways, lanes, or other public communications, and all land, not being the property of the corporation, shall be restored to their original condition without unnecessary delay.

(4) The corporation may purchase or expropriate, use and occupy such part of such intermediate land as it may deem necessary for the making and maintaining of the works, or for the opening of new streets required for the same, or for the protection of the works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the pipes, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the owners or occupants of the land through or near which the pipes may pass. R.S.O. 1897, c. 235, s. 12. *redrafted*. Power to expropriate.

6. For the purpose of distributing the water the corporation may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may from time to time alter their location or construction as the corporation may deem advisable. R.S.O. 1897, c. 235, s. 43, *redrafted*. Power to lay down pipes, etc.

Service  
pipes.

7.—(1) The service pipes shall be laid down from the main pipe to the line of the highway by the corporation, and the corporation shall be responsible for keeping the same in repair.

Laying of,  
from line of  
street, to  
wall of  
building.

(2) Where a vacant space intervenes between the outer line of a highway and the wall of a building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipe across such vacant space to the interior face of the outer wall and charge the cost thereof to the owner of the premises, or the owner may himself lay the service pipe, if it is done to the satisfaction of the corporation.

Expenses of  
laying.

(3) The expense incidental to the laying and repairing of service pipes if laid or repaired by the corporation (except the repairing of the service pipes from the main pipe to the line of a highway), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner to the corporation on demand, and if not so paid, may be collected in the same manner as water-rates.

Expenses  
of superin-  
tending.

(4) The expense of superintending the laying or repairing of a service pipe shall not exceed one dollar. R.S.O. 1897, c. 235, s. 17, *amended*.

Service  
pipe to be  
under con-  
trol of cor-  
poration.

8.—(1) The service pipes from the line of a highway to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under its control, and if any damage is done to that portion of the service pipe or its fittings, the owner or occupant of the building shall forthwith repair the same to the satisfaction of the corporation; and, in default of his so doing, whether notified or not, the corporation may enter upon the land where the service pipe is, and repair the same, and charge the cost thereof to the owner or occupant of the premises, and the same may be collected in the same manner as water rates.

Prohibition  
as to using  
stopcock.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe, and to prevent the flooding of the premises.

Approval  
of taps by  
corporation.

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. R.S.O. 1897, c. 235, s. 18, *amended*.

**9.** The corporation may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment; and may erect such number of public hydrants, and in such places as it may see fit, and may direct in what manner, and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings. R.S.O. 1897, c. 235, s. 20 (1), *amended*.

Regulation of use of water and of rates.

**10.—(1)** The corporation of every municipality having a system of waterworks shall supply water at all times to all public institutions, situate therein and belonging to or maintained by the Province at such rents, rates or prices as may be fixed by by-law of the corporation but not exceeding those charged to manufacturers.

Rates at which water to be supplied to provincial institutions.

**(2)** For every contravention of subsection 1, the corporation shall incur a penalty not exceeding \$500, recoverable by action at the suit of the Crown. 9 Edw. VII. c. 26, s. 39, *re-drafted*.

Penalty.

**11.** The corporation shall not be liable for damages caused by the breaking of any service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given. R.S.O. 1897, c. 235, s. 26.

Non-liability for breakage or stoppage.

**12.** The corporation may supply water upon special terms and for such term of years as may be agreed on to owners or occupants of land beyond the limits of the municipality, and may exercise all other powers necessary for carrying out any agreement for that purpose and may also make any agreement which may be deemed expedient for the supply of water for any term not exceeding five years to any railway company or manufactory, or to builders; but where water is to be supplied for any of the purposes mentioned in this section in another municipality, the corporation of which possesses water-works, no pipes for that purpose shall be carried in, upon, through, over or under any highway, lane, or public communication within such other municipality without the consent of the council thereof. R.S.O. 1897, c. 235, s. 29; 63 V. c. 17, s. 35, *amended*.

Power to supply water outside of municipal-ity.

Proviso.

**13.** The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith, which

Power to regulate supply and to prohibit wrongful use of water.

which it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied and for providing that for a contravention of any such by-law the offender shall incur a penalty not exceeding \$20, or may be imprisoned without the option of a fine for any period not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a prosecution under this section. R.S.O. 1897, c. 235, s. 33, *part, amended*.

10 Edw.  
VII. c. 37

Prohibitions  
and  
penalties.

**14.** Every person who

- (a) Wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the corporation, or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this Act;
- (b) Wilfully lets off or discharges water, so that the same runs waste or useless, out of the works; R.S.O. 1897, c. 235, s. 34, pars. 1 and 2. *amended*.
- (c) Being a tenant, occupant, or inmate of any house, building or other place supplied with water from the water-works, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water; R.S.O. 1897, c. 235, s. 33 (1). *amended*.
- (d) Without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- (e) Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;
- (f) Wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;

(g)

- (g) Lays or causes to be laid any pipe or main to communicate with any pipe or main of the water-works, or in any way obtains or uses the water without the consent of the corporation; or
- (h) Washes or cleanses cloth, wool, leather, skin or animals, or places any noisome or offensive thing, or conveys, casts, throws, or puts any filth, dirt, dead carcase or other noisome or offensive thing in any lake, river, pond, creek, spring, source or fountain, within the distance of one mile in the case of a town or village, or within three miles, in the case of a city, from the source of supply for such water-works, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

shall for every such offence incur a penalty not exceeding \$20, or may be imprisoned without the option of a fine, for any term not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a prosecution under this section. R.S.O. 1897, c. 235, s. 34,<sup>10</sup> Edw. VII. c. 37.  
*last part re-drafted.*

**15.**—(1) For the purpose of assisting in the payment of any debentures issued for water-works purposes, and the interest thereon, the corporation may impose a special tax in each year, during the currency of the debentures, not exceeding four mills in the dollar according to the assessed value thereof, upon the land fronting or abutting upon any highway, lane or other public communication in, through or along which the water-works mains are laid, as well as all other land distant not more than 300 feet therefrom, which enjoys the advantage of the use of the water for the purpose of protection against fire, whether or not the owners or occupants thereof use the water for general purposes.

(2) The collector of taxes upon the production by an owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof, during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special tax. R.S.O. 1897, c. 235, s. 37; 3 Edw. VII. c. 24, s. 2.

Construc-  
tion of  
mains, etc.,  
for benefit  
of individ-  
uals.

**16.** If one or more property owners within a municipality applies to the council for the construction of water mains and other works necessary to connect their properties with the water-works system of the corporation the council may by by-law provide for the extension of the mains and pipes, and for all other works necessary to make such connection, and for permitting the applicants to receive the benefit of such water-works upon such terms as the council may deem just; and the by-law may further provide that the cost of the work shall be charged as an annual special rate upon the land of the applicants, designated in the application, and such rate shall be payable, whether or not the applicants or the owners for the time being of the lands continue to use the water. R.S.O. 1897, c. 235, s. 48; 3 Edw. VII. c. 24, s. 7, *re-drafted*.

## PART II.

### MUNICIPAL PUBLIC UTILITY WORKS OTHER THAN WATER- WORKS.

Interpreta-  
tion.

#### **17.** In this Part

"Public  
Utility."

"Public Utility" shall mean artificial and natural gas, electrical power or energy, steam and hot water. *New.*

Powers of  
Corpora-  
tions to  
produce  
and supply  
public  
utilities.

**18.**—(1) The corporation of every urban municipality may manufacture, procure, produce and supply for its own use and the use of the inhabitants of the municipality any public utility for any purpose for which the same may be used; and for such purposes may purchase, construct, improve, extend, maintain, and operate any works which may be deemed requisite, and may acquire any patent or other right for the manufacture or production of such public utility, and may also purchase, supply, sell or lease fittings, machines, apparatus, meters, or other things for any of such purposes. R.S.O. 1897, c. 234, s. 3 (1); 9 Edw. VII. c. 79, s. 1, *re-drafted*.

May sell  
coke, etc.

(2) The corporation may sell and dispose of coke, tar, and every other by-product, or residuum obtained in or from its works, and any surplus coal it may have on hand.

May rent  
or purchase  
lands.

(3) The corporation may purchase or rent such land and buildings as may be deemed necessary for the purpose of its undertaking. R.S.O. 1897, c. 234, s. 3 (2-3), *amended*.

Power to  
expropriate  
lands for  
works.

**19.** The corporation may acquire by purchase, lease or otherwise or may expropriate any land in the municipality which may be required for its works or any extension there-  
of,



of, and the provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of the power to expropriate and of the power conferred by section 22, 7 Edw. VII. c. 44, s. 1, *redrafted*.

**20.** The corporation for the purpose of laying down, taking up, examining, and keeping in repair the pipes, wires and rods used for the purpose of its undertaking, may break up, dig, and trench in, upon, and under the highways, lanes, and other public communications, or, with the consent of the owner, in, upon and under, any private property; or may, upon poles or otherwise, conduct such wires and rods along, over and across such highways, lanes, and other public communications, or, with the consent of the owner, upon private property. R.S.O. 1897, c. 234, s. 4, *redrafted*.

Corporation may break up streets, etc.

**21.—(1)** The corporation may carry pipes, wires or rods, to any part of any building within the municipality parts of which belong to different owners, or are in possession of different tenants or occupants, passing over the property of any owner, or of any tenant or occupant, to convey the public utility to the part of the building to which it is to be conveyed.

Corporation may carry pipes, wires and rods through parts of buildings to supply other parts.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building, unless consent is obtained to carry the same in the inside. R.S.O. 1897, c. 234, s. 5, *amended*.

**22.** The corporation may also break up and uplift all passages common to neighbouring owners, tenants, or occupants, and dig or cut trenches therein, for the purpose of laying down pipes, wires, or rods, or taking up, examining or repairing the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay. R.S.O. 1897, c. 234, s. 6 (1).

May also break up passages common to different proprietors.

**23.** The corporation may from time to time, and upon such terms as may be deemed advisable, enter into contracts for the supply of a public utility to any person for any period not exceeding ten years. 10 Edw. VII. c. 91, s. 1.

Contracts for supply of public utility for ten years.

**24.** A corporation possessing, or intending to construct works under this Act may, under the authority of a by-law of an adjoining local municipality, exercise the like powers within the adjoining municipality as it may exercise within its own municipality, upon such terms and conditions as may be agreed upon. R.S.O. 1897, c. 234, s. 11, *part amended*.

Power to carry works into adjoining municipalities.



## PART III.

## ALL MUNICIPAL PUBLIC UTILITIES.

Application  
of Part.

**25.** This Part shall apply to all municipal corporations owning or operating public utilities. *New.*

Power to  
make by-  
laws for  
mainten-  
ance and  
manage-  
ment of  
works.

**26.**—(1) The council may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying the public utility, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and for allowing for prepayment or punctual payment such discount as may be deemed expedient. R.S.O. 1897, c. 234, s. 9, *amended.*

Discretion  
of corpora-  
tion as to  
rates to be  
charged.

(2) In fixing the rents, rates or prices to be paid for the supply of a public utility the corporation may use its discretion as to the rents, rates or prices to be charged to the various classes of consumers and also as to the rents, rates or prices at which a public utility shall be supplied for the different purposes for which it may be supplied or required. 6 Edw. VII. c. 39, s. 1, *redrafted.*

Power to  
shut off  
supply.

(3) In default of payment the corporation may shut off the supply but the rents or rates in default shall, nevertheless be recoverable. R.S.O. 1897, c. 235, s. 21 (2), *part, redrafted.*

Rates to be  
lien on lot  
or building.

**27.** The sum payable by the owner or occupant of any building or lot, for the public utility supplied to him there, or for the use thereof, and all rents, rates, costs and charges by this Act to be collected in the same manner as rents or rates for the supply of a public utility shall be a lien and charge on the building or lot, and may be levied and collected in like manner as municipal rates and taxes are recoverable. R.S.O. 1897, c. 235, s. 20 (2), *amended.*

Protection  
and powers  
of officers.

**28.** The officers of the corporation, when acting the discharge of their duties under this Act, shall *ex-officio* be constables. R.S.O. 1897, c. 235, s. 24, *part.*

Limitation  
of actions.

**29.** No action shall be brought against any person for anything done in pursuance of this Act, but within six months next after the act committed, or in case there is a continuation of damage, within one year after the original cause of action arose. R.S.O. 1897, c. 235, s. 25, *amended.*

**30.** Materials procured under contract with the corporation, and upon which the corporation has made advances in accordance with such contract, shall be exempt from execution against the person who supplied or contracted to supply such materials. R.S.O. 1897, c. 235, s. 27, *amended*.

Property  
exempt  
to be a  
charge on  
execution.

**31.** The public utility works and the land acquired for the purpose thereof, and the property appertaining thereto, shall be specially charged with the repayment of any sum borrowed by the corporation for the purposes thereof, and for any debentures issued therefor, and the holders of such debentures shall have a preferential charge on such works, land and property for securing the payment of the debentures and the interest thereon. R.S.O. 1897, c. 235, s. 36; 3 Edw. VII. c. 24, s. 1, *amended*.

Money  
borrowed  
to be a  
charge on  
works.

**32.** The revenues arising from supplying any public utility or from the property connected with any public utility work, after providing for the expenses of the maintenance of the works shall, subject to section 31, form part of the general funds of the corporation. R.S.O. 1897, c. 235, s. 38; 3 Edw. VII. c. 24, s. 3, *redrafted*.

Application  
of revenue.

**33.**—(1) The corporation may sell, lease or otherwise dispose of any property which is no longer required for the purpose of the undertaking, and any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or if there are no such debentures the proceeds shall form part of the general funds of the corporation.

Power to  
sell any  
property  
when no  
longer  
required.

(2) If credit is given for any part of the purchase money of real property the corporation may take security, by way of mortgage to secure the same and every such mortgage, and the proceeds thereof, shall stand as security for any debentures constituting a charge on the real property, at the time of the sale. R.S.O. 1897, c. 235, s. 30, *amended*.

Power to  
take security.

#### PUBLIC UTILITY COMMISSION.

**34.**—(1) The council of a municipal corporation which owns or operates works for the production, manufacture or supply of any public utility or is about to establish such works may by by-law passed with the assent of the municipal electors provide for entrusting the construction of the works and the control and management of the same to a commission to be called "The Public Utilities Commission

Formation  
of Public  
Utility  
Commission  
for manage-  
ment of  
works.

of

of the (*naming the municipality* ") or to a commission established under this Part.

(2) A Commission established under *The Municipal Waterworks Act* or *The Municipal Light and Heat Act* or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall for the purposes of this section be deemed to be a Commission established under this Part and the provisions of this Part shall apply to it.

One Commission for several public utilities.

(3) Where a commission has been established under this Part as to any public utility and the corporation desires to entrust the control and management of any other public utility works to a commission, subject to subsection 5, such control and management shall be entrusted to the commission so established, or if there is more than one commission so established to one of them, or the by-law may provide for placing under the control and management of one commission all public utility works owned by the corporation.

(4) Where the construction of any other public utility works and the control and management of them is entrusted to any of the commissions mentioned in subsection 2, such commission thereafter shall be called "The Public Utility Commission of the (*naming the municipality*)".

Special provisions as to Hydro-Electric Commission

(5) Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy a commission shall be established under the provisions of this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy, or such control and management shall be entrusted to an existing Public Utilities Commission, and, where the commission is not entrusted with the control and management of any other public utility, it shall be called "The Hydro-Electric Commission of the (*naming the municipality*)".

Special Act not affected.

(6) Subsection 5 shall be subject to the provisions of any Special Act providing for the control and management of such works.

Certain by-laws not to be repealed.

(7) A by-law of the council for the purposes mentioned in subsection 4 shall not be repealed without the consent of "The Hydro-Electric Power Commission of Ontario."

(8)

(8) If no commission has been established under this Part to which the control and management of a sewerage system, to which paragraph 11 of section 406 of *The Municipal Act* applies, may be entrusted, a Commission may be established under this Part, for the control and management of such sewerage system, and the provisions of this Part shall apply to it. *New. See R.S.O. 1897, c. 235, s. 40 (1); 10 Edw. VII. c. 93, s. 1.*

**35.**—(1) Subject to subsection 3, upon the election of the commissioners as hereinafter provided, all the powers, rights, authorities, and privileges which are by this Act conferred on the corporation shall, while such by-law remains in force be exercised by the commission and not by the council of the corporation.

(2) The officers and employees of the corporation shall be continued until removed by the commission unless their engagement sooner terminates.

(3) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided. *R.S.O. 1897, c. 235, s. 40 (2-4); 3 Edw. VII. c. 24, s. 4, redrafted.*

**36.**—(1) A commission established under this Part shall be a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall *ex-officio* be one and the others shall be elected at the same time and place and in the same manner as the head of the council.

(2) One-half of the elective members shall hold office for two years and the other one-half for one year, and shall continue in office until their successors are elected and the new commission is organized.

(3) At the first meeting of the commission after the first election the members who are to hold office for two years shall be chosen by lot.

(4) Except where otherwise expressly provided, the provisions of Parts 2, 3 and 4 of *The Municipal Act* which are applicable to members of the council of a local municipality shall apply *mutatis mutandis* to the commissioners to be elected under the provisions of this Part. *6 Edw. VII. c. 40, s. 2; 7 Edw. VII. c. 45, s. 1, redrafted.*

Filling of  
vacancies.

**37.**—(1) Where a vacancy in the commission occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected. 6 Edw. VII. c. 40, s. 2, *amended*.

Quorum.

(2) A majority of the commissioners shall constitute a quorum of the commission. R.S.O. 1897, c. 235, s. 41 (2).

Salary of  
commis-  
sioners.

**38.** The salary, if any, of the commissioners shall from time to time be fixed by the council, and no member of the council, except the head thereof, shall at the same time be a member of the commission. R.S.O. 1897, c. 235, s. 42.

Repeal of  
by-law.

**39.**—(1) The council may by by-law passed with the assent of the municipal electors repeal any by-law passed under section 34.

Apportion-  
ment of  
salaries.

(2) Where a by-law is repealed the council shall apportion the current year's salary of the commissioners and any officer or employee of the commission shall be continued until removed by the council unless his engagement sooner terminates. R.S.O. 1897, c. 235, s. 44; 3 Edw. VII. c. 24, s. 6, *redrafted*.

Book of  
accounts.

**40.**—(1) Separate books and accounts of the revenues derived from every public utility under its management shall be kept by the commission and such books and accounts shall also be kept separate from the books and accounts relating to the other property, funds, or assets connected with such public utility, and such books and accounts shall be open to inspection by any person appointed for that purpose by the council. R.S.O. 1897, c. 235, s. 45 (1), *redrafted*.

Regulation  
of system  
of book-  
keeping.

(2) Subsection 1 shall be subject to section 58 of *The Ontario Railway and Municipal Board Act. New*.

Returns to  
Council.

**41.**—(1) The commission shall on or before the fifteenth day of January, in each year, or upon such other day as the council may direct, cause a return to be made to the council containing a statement of the affairs of each public utility work, showing,—

(a) the amount of the rents, issues, and profits, arising therefrom and the number of persons supplied with each of the public utilities during the previous calendar year;

(b) the extent and value of the property connected with each public utility work;

(c)

- (c) the amount of all outstanding debentures and the interest thereon, due and unpaid, and the state of the sinking fund;
- (d) the expenses of management, and all other expenses;
- (e) the salaries of officers and servants;
- (f) the cost of repairs, improvements and alterations;
- (g) the price paid for any land acquired for the purpose of such public utility work and such a statement of revenue and expenditure as will at all times afford full and complete information of the state of its affairs.

(2) The commission shall also furnish such information Information for council. as from time to time may be required by the council.

(3) The accounts of the Commission shall be audited by Audit of accounts. the auditors of the corporation, and the commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. R.S.O. 1897, c. 235, s. 45, *redrafted*.

**42.** A book wherein shall be recorded all the proceedings Records of proceedings. of the commission shall be kept and shall be open to inspection by any person appointed for that purpose by the council. R.S.O. 1897, c. 235, s. 46, *part redrafted*.

**43.** The revenues after deducting disbursements shall, Revenues to be paid to municipal treasurer. quarterly, or oftener if the council so directs, be paid over to the treasurer of the municipality, and shall be by him placed to the credit of the account of the public utility work, and if not required for the purpose of the work shall form part of the general funds of the corporation. R.S.O. 1897, c. 235, s. 47, *redrafted*.

## PART IV.

### ALL MUNICIPAL AND COMPANY PUBLIC UTILITIES.

**44.** This Part shall apply to all municipal or other cor- Application of Part. porations owning or operating public utilities. *New*.

**45.**—(1) Any person authorized by the corporation for Inspection of premises. that purpose shall have free access, at all reasonable times, and upon reasonable notice given and request made,

to

to all parts of every building or other premises to which any public utility is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire or rod, within or without the building or for placing meters upon any service pipe or connection within or without the building, as he may deem expedient and for that purpose or for the purpose of protecting or regulating the use of such meter, may set it or alter the position of it, or of any pipe, wire, rod, connection or tap, and may alter or disconnect any service pipe.

Prices for  
use of  
meter, etc.

(2) The corporation may fix the price to be paid for the use of such meter, and the times when, and the manner in which the same shall be payable, and may also recover the expenses of such alterations; and such price, and the expense of such alterations may be collected in the same manner as rents or rates for the supply of a public utility. R.S.O. 1897, c. 235, s. 19; 61 V. c. 28, s. 1, *redrafted*.

Removal  
of fittings  
from  
premises of  
consumers.

(3) Where a consumer discontinues the use of the public utility, or the corporation lawfully refuses to continue any longer to supply it, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with the public utility, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. R.S.O. 1897, c. 234, s. 10.

Property  
of corpora-  
tion ex-  
empt  
from dis-  
tress.

46. No property of the corporation used for or in connection with the supply of any public utility shall be liable to be seized for rent due to the landlord of any land or building whereon or wherein the same may be or under execution against the owner or occupant of the land or building. R.S.O. 1897, c. 234, s. 3 (4), *redrafted*.

Liability  
of persons  
doing  
damage.

47. Every person who, by act, default, neglect or omission, occasions any loss, damage or injury to any public utility works or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation therefor. R.S.O. 1897, c. 235, s. 32, *redrafted*.

Penalty  
for wilful  
damage of  
meters,  
lamps,  
etc.

48. Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, luscre, service pipe, conduit, wire, row, or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility which passes through it, shall incur a penalty to the use of the corporation



corporation, for every such offence, of not less than \$4 nor more than \$20, and shall also be liable for the expenses of repairing or replacing such meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which, including the penalty, shall be recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 199, s. 48, *redrafted*. 10 Edw. VII c. 37.

**49.** Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation, shall incur a penalty to the use of the corporation of not less than \$4 nor more than \$20, and shall also be liable for all damages occasioned thereby, all of which shall be recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 199, s. 49, *redrafted*. Penalty for injuring public utility works.

**50.** Where there is a sufficient supply of the public utility the corporation shall supply all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, upon the request in writing of the owner, occupant or other person in charge of any such building. R.S.O. 1897, c. 234, s. 8, *redrafted*. Corporation constructing works to supply buildings on line of supply, on request.

**51.—(1)** Main pipes or conduits for carrying or conveying any public utility underground in any highway, lane or public communication shall not be laid down therein by a municipal corporation or company within the distance of 6 feet of the main pipes or conduits for carrying or conveying any public utility underground of any person without the consent of such person, or the authority of "The Ontario Railway and Municipal Board." Prohibition as to laying main pipes and conduits within 6 feet of existing ones.

**(2)** The Board upon the application of the corporation or company, and after notice to such person and hearing any objections which may be made, may authorize the main pipes or conduits to be laid down within such distance less than six feet as may be deemed proper, and all main pipes and conduits laid down in accordance with such authority shall be deemed to have been laid down under statutory authority and to be lawfully laid down and may be maintained and operated by the corporation or company without its incurring any liability to such person in respect of the construction, maintenance or operation of them, except that provided for by subsection 5, any general or special statute or law to the contrary notwithstanding. Power of Municipal Board as to granting leave to lay pipes, etc., within less than 6 feet.

**(3)** Such authority may be granted subject to such conditions as the Board may deem necessary to prevent injury to Conditions.

to the main pipes or conduits of such person, or to such person, his servants and workmen, in maintaining, repairing and operating them.

Exercise  
of powers

(4) The powers conferred by this section may be exercised from time to time as occasion may require.

Compensation  
for  
damages.

(5) If any damage or injury is done to the main pipes or conduits of such person, or is occasioned in the maintenance of them by reason of the main pipes or conduits of the corporation or company being laid down at a less distance than six feet from the main pipes or conduits of such person, no action shall lie in respect thereof, but the corporation or company doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of the compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* shall apply *mutatis mutandis*.

Claim for  
damages.

(6) The person claiming damages shall within one month after the expiration of any calendar year, in which he claims that any such damage or injury has been so done or occasioned, give notice in writing to the corporation of his claim and the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. *New. See R.S.O. 1897, c. 234, s. 12; 1 Geo. V. c. 15, s. 3 (3, 4).*

Recovery of  
Penalties.  
10 Edw. VII.  
c. 37.

**52.** Except where otherwise expressly provided all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act. New.*

## PART V.

### ALL COMPANY PUBLIC UTILITIES.

Application  
of Part.

**53.** This Part shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any public utility. 7 Edw. VII. c. 23, s. 23.

Conditions  
precedent  
to company  
carrying  
on business or ex-  
propriating  
land.

**54.**—(1) The company shall not exercise any of its powers within a municipality unless and until a by-law of the council of the municipality has been passed with the assent of the municipal electors where such assent is required by *The Municipal Franchises Act* authorizing the Company to exercise the same and the company when so authorized may exercise any of the powers of expropriation conferred on a municipal

municipal corporation by Parts 1 or 2, if the power to expropriate is conferred on it by the letters patent incorporating the company or by supplementary letters patent. R.S.O. 1897, c. 199, s. 18, *redrafted*.

(2) Subject to subsection 1 a company may conduct any of its pipes or carry any of its works through the land of any person lying within ten miles of the municipality for supplying which the company was incorporated. R.S.O. 1897, c. 199, s. 55, *redrafted*.

Power to carry pipes through land within 10 miles of municipality.

(3) The powers of expropriation conferred on a company shall be exercised under and in accordance with the provisions of *The Ontario Railway Act*. *New*.

**55.** A company, before supplying any public utility to any building or premises or as a condition of its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor, or for carrying the public utility into such building. R.S.O. 1897, c. 199, s. 29.

Power to take security from consumer.

**56.** If any person supplied with any public utility, neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply from entering the premises of such person by cutting off the service pipes, or by such other means as the company or its officers may deem proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time. R.S.O. 1897, c. 199, s. 50, *amended*.

Remedy for price of public utility furnished.

**57.** Where a natural gas company or natural gas transmitting company produces or transmits gas for export, the price or charge at which the same shall be supplied shall be subject to regulation by the Lieutenant-Governor in Council. 62 V. (2), c. 8, s. 4; 8 Edw. VII. c. 33, s. 44, *amended*.

Charges by exporting gas companies.

**58.** The provisions of section 6, sections 7 and 8, except as to the manner of recovering charges and expenses, sections 10 and 11, section 12 as to making agreements for a supply of water to a railway company, manufactory or builder, and sections 14, 17, 18, 20, 21, 22 and 23 shall, *mutatis mutandis* apply to a company. *New*.

General powers.

## PART VI.

## ACQUIRING WORKS FROM COMPANIES.

Municipalities may acquire works of company on payment therefor.

**59.**—(1) Where a by-law of the council of an urban municipality is passed with the assent of the electors entitled to vote on money by-laws declaring that it is expedient to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying within such municipality any public utility the corporation may take possession of the works of the company and all property used in connection therewith for the purposes of supplying such public utility, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration under *The Municipal Act*, subject to the provisions hereinafter mentioned. R.S.O. 1897, c. 199, s. 59.

Mode of computing value.

(2) The arbitrators in determining the amount to be paid for such works and property shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award. R.S.O. 1897, c. 199, s. 60.

Time within which amount to be paid.

(3) The amount shall be paid within six months from the date of the award, and the council shall take all requisite steps for providing the amount; and it shall not be necessary that a by-law passed for borrowing the amount shall receive the assent of the electors. R.S.O. 1897, c. 199, s. 61.

Council may take proceedings to determine value without first obtaining assent of electors.

(4) The council may, without submitting the question to the vote of the electors, take the proceedings authorized by subsection 1 for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case, any by-law for raising money to pay therefor shall require the assent of the electors, and until the by-law is finally passed, the corporation shall not, unless with the consent of the company, take possession of the works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs it has been put to in and about the arbitration. R.S.O. 1897, c. 199, s. 62.

(5) The council and the company may agree as to the amount to be paid for the works and property, or any of them. R.S.O. 1897, c. 199, s. 63. Amount may be settled by agreement.

(6) If the amount awarded, or agreed to be paid, to the company, is not paid within six months after the time at which it is payable, the company may resume possession of its works and property, and all its rights in respect thereof shall thereupon revive. R.S.O. 1897, c. 199, s. 64. If amount not paid, rights of company to revive.

(7) Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of this section, and upon the passing of the by-law this section shall apply to the company. R.S.O. 1897, c. 199, s. 65. Existing companies may consent to be bound by above provisions.

(8) A by-law may be passed under subsection 1, with respect to a company incorporated before the 10th day of March, 1882, if an agreement has been made between the company and the corporation, under which the corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works of the company, and all property used in connection therewith, for such purposes, at a valuation to be determined by arbitration under *The Municipal Act*. R.S.O. 1897, c. 199, s. 66. Limitations as to by-laws.

(9) Nothing in this section shall affect the right of a municipal corporation to acquire the works and property of any public utility company, by agreement with the company, or any right of acquisition which has been or may be secured by any such corporation independently of the provisions of this section. R.S.O. 1897, c. 199, s. 67. Certain rights not affected.

#### TAKING STOCK, ETC., IN COMPANIES.

**60.**—(1) Subject to the provisions of *The Municipal Act* the corporation of any municipality which has power to construct such works, and in which the public utility works of a company are situate, may subscribe for shares or take stock in the company or may loan money to it on mortgage or otherwise or guarantee payment of money borrowed by it. 7 Edw. VII, c. 35, s. 1, *redrafted*. Power to subscribe for stock, etc.

(2) The head of a municipality, the corporation of which holds stock in any such company to the extent of one-tenth or more of the whole of the capital stock, shall be *ex officio* a director of the company so long as the corporation continues to hold stock to that extent. R.S.O. 1897, c. 199, s. 13. When the head to be a director.

## PART VII.

## COMMISSION FOR RAILWAYS AND TELEPHONES.

Commission  
to con-  
struct and  
manage  
railways and  
telephones.

**61.** The council of a municipal corporation, which owns or operates, or is about to establish, any of the following works:—

(a) A railway, an electric railway, a street railway, or an incline railway.

(b) Telephone systems, or lines.

may by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the work and the control and management of it to a commission, to be called The Public Service Commission of the (*naming the municipality*) or to an existing Public Utilities Commission established under the authority of this Act; and if such a by-law is passed, the provisions of sections 34 to 43 shall apply *mutatis mutandis* to the commission to which the construction, control and management of the work are entrusted and to the work.

## PART VIII.

## MISCELLANEOUS.

Certain pro-  
visions of  
7 Edw. VII.,  
c. 19, not  
affected.

**62.** Nothing in this Act shall affect the provisions of section 22*b* or section 22*c* of *The Power Commission Act*, and they shall continue to apply to the cases to which they now apply.

Repeal.

**63.** The following Acts and parts of Acts are repealed:

Chapters 199, 200, 234, and 235 of the Revised Statutes of Ontario 1897.

61 Victoria, Chapter 28,

63 Victoria, Chapter 17, section 35.

3 Edward VII. Chapter 7, section 42.

3 Edward VII. Chapter 24.

6 Edward VII. Chapter 39, section 1.

- 6 Edward VII. Chapter 40.
  - 7 Edward VII. Chapter 23, sections 23, 24.
  - 7 Edward VII. Chapter 35.
  - 7 Edward VII. Chapter 44.
  - 7 Edward VII. Chapter 45.
  - 8 Edward VII. Chapter 33, section 44.
  - 9 Edward VII. Chapter 26, section 39.
  - 9 Edward VII. Chapter 79, sections 1, 2, 3.
  - 10 Edward VII. Chapter 91, section 1.
  - 10 Edward VII. Chapter 93.
  - 1 George V. Chapter 17, section 52.
  - 2 George V. Chapter 45.
-



## CHAPTER 42.

An Act respecting Contracts for the Supply of  
Electrical Power to Municipal Corporations

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**Short title.**

**1.** This Act may be known as *The Municipal Electric Contracts Act*.

Contracts  
not to be  
made or  
franchises  
granted  
without  
consent of  
electors.

**2.** No municipal corporation shall enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof or grant any franchise or any renewal of a franchise for the supply and distribution of electrical power or energy within the municipality until a by-law setting forth the terms and conditions of such contract or franchise has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*.

3-4 Geo. V.  
c. 43.

Commence-  
ment of  
Act.

**3.** This Act shall come into force and take effect as from the fifteenth day of April, 1913.

## CHAPTER 43.

## An Act respecting Municipal Institutions.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PRELIMINARY.

**1.** This Act may be cited as *The Municipal Act, 1913*. Short title.  
3 Edw. VII., c. 19, s. 1, *part*.

**2.** In this Act,

Interpreta-  
tion.

- (a) "Arbitration" shall mean an arbitration under "Arbitra-  
tion." the provisions of this Act.
- (b) "Bridge" shall mean a public bridge, and shall "Bridge."  
include a bridge forming part of a highway or  
on, over or across which a highway passes.
- (c) "City," "town," "village," "township," and "City."  
"county" shall respectively mean city, town, "Town."  
village, township or county, the inhabitants of "Village."  
which are a body corporate within the meaning "Town-  
ship." "County."  
and for the purposes of this Act.
- (d) "Electors," when applied to a municipal election, "Electors."  
shall mean the persons entitled to vote at a  
municipal election, when applied to voting on  
money by-law shall mean the persons entitled to  
vote on the by-law and when applied to voting  
on any other by-law or on a resolution or ques-  
tion unless otherwise provided by the Act, by-  
law, or other authority under which the vote is  
taken, shall mean municipal electors.
- (e) "High Court" shall mean High Court Division of  
the Supreme Court.

(f)

- " Highway." (f) " Highway " shall mean a common and public highway, and shall include a street and a bridge forming part of a highway, or on, over or across which a highway passes.
- " Land." (g) " Land " shall include lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.
- " Local Municipality." (h) " Local municipality " shall mean a city, a town, a village and a township.
- " Member." (i) " Member " or " members," referring to a member or members of a council shall include the head of the council, and a member or members of a Board of Control.
- " Money by-law." (j) " Money by-law " shall mean a by-law for contracting a debt or obligation or for borrowing money.
- " Municipal Board." (k) " Municipal Board " shall mean Ontario Railway and Municipal Board.
- " Municipal electors." (l) " Municipal electors " shall mean the persons entitled to vote at a municipal election.
- " Municipality." (m) " Municipality " shall mean a locality, the inhabitants of which are incorporated.
- " Population." (n) " Population " shall mean population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor whichever shall be the latest.
- " Prescribed." (o) " Prescribed " shall mean prescribed by or under the authority of this Act.
- " Published." (p) " Published " shall mean published in a newspaper in the municipality to which what is published relates, or which it affects, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and " publication " shall have a corresponding meaning.
- " Separated town." (q) " Separated town " shall mean town separated for municipal purposes from the county in which it is situate.

- (r) "Supreme Court" shall mean Supreme Court of <sup>"Supreme Court."</sup> Ontario.
- (s) "Township" shall include a union of townships, <sup>"Township."</sup> and a municipality composed of two or more townships.
- (t) "Two-thirds vote" shall mean the affirmative vote <sup>"Two-thirds vote."</sup> of two-thirds of the members of a council present at a meeting thereof.
- (u) "Unorganized territory" shall mean that part of <sup>"Unorganized territory."</sup> Ontario without county organization.
- (v) "Urban municipality" shall mean and include a <sup>"Urban municipality."</sup> city, a town, and a village. *New. See* 3 Edw. VII., c. 19, ss. 2 and 4.

3.—(1) Where under the provisions of this Act evidence <sup>When evidence</sup> is taken orally before a Special Examiner or a Judge he may <sup>may be</sup> direct that the same be taken in shorthand by a stenographic <sup>taken in</sup> reporter. <sup>shorthand.</sup>

(2) The fees of the stenographic reporter including those <sup>Fees of</sup> for the transcribing of his notes shall be paid by the party <sup>reporter,</sup> on whose behalf the evidence is taken, and the same shall <sup>how paid.</sup> form part of the costs of the proceedings in which the evidence is taken. *New.*

4. Where registration in a registry office is prescribed <sup>Registration</sup> or provided for by this Act it shall mean where <sup>in office</sup> *The Land* <sup>of land</sup> *Titles Act* is applicable, registration in the office of the Master or Local Master of Titles of the locality in which the <sup>titles.</sup> land is situate. *New.* <sup>1 Geo V. c. 27.</sup>

5. A person in the actual occupation of land under an agreement with the owner for the purchase of it shall be <sup>When</sup> deemed to be the owner, and the unpaid purchase money <sup>occupant</sup> shall be deemed to be an incumbrance on the land. *New.* <sup>deemed to be owner.</sup>

6. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise <sup>Power to</sup> expressly provided, it shall include the power to acquire by <sup>acquire</sup> purchase or otherwise and to enter on and expropriate. *New.* <sup>includes expropriation.</sup>

7. Except where otherwise expressly provided, this Act <sup>Special</sup> shall not affect the provisions of any special Act relating to <sup>Acts not</sup> a particular municipality. 3 Edw. VII., c. 19, s. 1, *part.* <sup>to affected.</sup>

8.

Inhabitants  
of muni-  
cipalities to  
be bodies  
corporate.

8. The inhabitants of every county, city, town, village, and township shall be a body corporate for the purposes of this Act. 3 Edw. VII., c. 19, s. 5, *amended*.

Names of  
municipal  
corpora-  
tions.

9. The name of the body corporate shall be "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)], of (naming the municipality)*." 3 Edw. VII. c. 19, s. 7, *amended*.

Corporate  
powers  
exercisable  
by council

10. The powers of a municipal corporation shall be exercised by its council. 3 Edw. VII. c. 19, s. 10, *amended*.

## PART I.

*FORMATION OF NEW CORPORATIONS AND  
ALTERATIONS OF BOUNDARIES OF  
MUNICIPALITIES.*

**11.** In this Part, "district" shall mean part of a town-<sup>"District," meaning of.</sup>ship or parts of two or more townships which it is proposed to erect into a village or part of a township which it is proposed to add to another municipality, or the part so erected or added, as the case may be. *New.*

**12.** Under and subject to the provisions and conditions<sup>Erection of village.</sup> hereinafter mentioned, a district may be erected into a village by the council of the county in which it is situate, or if the district comprises parts of two or more counties by the council of the county in which the larger or largest part of the district is situate. 3 Edw. VII., c. 19, s. 11 (1), *part amended.*

**13.**—(1) Where a petition, signed, if the district or part<sup>Procedure for erection of village.</sup> of it lies within one mile of the limits of a city having a population of not less than 100,000, by at least two-thirds and in other cases by at least 100 of the freeholders and resident tenants of the district whose names are entered on the last revised assessment roll of the municipality in which the district is situate, and in the case of tenants who have been resident in the district for at least four months next preceding the presentation of the petition, all of the petitioners being of the full age of 21 years, and at least one half of them freeholders, praying for the erection of the district into a village, is presented to the council, the council, if the district has a population exceeding 750, shall, within three months after the presentation of the petition, pass a by-law erecting the district into a village, to take effect on and from a day to be named in the by-law, declaring the name which it shall bear and its boundaries.

(2) Opposite the name of every petitioner there shall be<sup>Lot of petitioner to be designated.</sup> shown, by reference to the number of the lot, the land owned or occupied by him, and where it is or forms part of a lot laid down on a registered plan, the reference shall be to the number of the lot according to the plan, and the petition shall also show whether the petitioner is a freeholder or resident tenant. 3 Edw. VII. c. 19, s. 11 (1), *part*; and (2-3), *re-drafted.*

(3) A petition shall be deemed to be presented when it<sup>Presentation of petition.</sup> is lodged with the clerk, and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto. *New.*

Special  
census.

(4) The number of the inhabitants of the district shall be ascertained by a special census taken by direction of the council. 3 Edw. VII. c. 19, s. 11 (1), *part*.

Time for  
passing  
by-law.

(5) The by-law shall not be passed before the expiration of one month after the presentation of the petition, or unless within two months next preceding the meeting of the council at which it is to be considered notice has been given of the intention of the council to take it into consideration.

Publication  
of notice  
as to con-  
sideration of  
by-law.

(6) The notice shall be published at least once a week for two successive weeks, and shall contain a description of the district sufficiently full to indicate the land which it is intended to embrace in the proposed village. 3 Edw. VII., c. 19, s. 11 (4), *redrafted*.

Expenses  
of census,  
etc.

(7) The council may require that the expenses of taking the census and of publishing the notice be paid by the petitioners, or that a sum sufficient to defray them be deposited with the clerk. *New*.

By-law to be  
published in  
Ontario  
Gazette.

(8) The clerk shall forthwith, after the passing of it, transmit a certified copy of the by-law to the Provincial Secretary, who shall cause notice of it to be published in the *Ontario Gazette*. *New*.

Time for  
applying  
to quash  
by-law.

(9) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period, if the application is unsuccessful, the by-law shall not be liable to be quashed on any ground, and the village thereby erected shall be deemed to have been duly erected in accordance with the provisions of this Act. *New*.

Area of  
town or  
village in a  
county.

**14.**—(1) Subject to subsection 2, the area of a town or village hereafter erected shall not exceed five hundred acres for the first one thousand or less, with two hundred acres added for each additional one thousand in excess of one thousand of its population. 3 Edw. VII., c. 19, s. 12 (1). *amended*.

In unorgan-  
ized terri-  
tory.

(2) In unorganized territory, the area of a town shall not exceed 750 acres for the first 500 of its population, with 300 acres added for each additional 500. 2 Edw. VII., c. 30, s. 1, *part amended*.

No addition  
beyond  
prescribed  
area.

(3) An addition shall not be made to any town or village which will have the effect of increasing its area beyond the prescribed area.



(4) Land occupied by highways, parks, and public squares shall be excluded in determining the area. 3 Edw. VII., c. 19, s. 12. (3-4), *part amended*. Highways, parks, etc., not to be included in area.

**15.**—(1) Where a village comprises parts of two or more counties, it shall be annexed to, and form part of, that one of them which shall be agreed on by the councils, or which, failing an agreement within six months after the presentation of the petition, the Lieutenant-Governor in Council may by proclamation direct. Annexation of village in two or more counties to one county.

(2) If an agreement is come to, the clerk of each of the councils shall forthwith notify the Provincial Secretary of it, and if an agreement is not come to within the period mentioned in subsection 1, shall forthwith, after the expiration of that period, notify the Provincial Secretary of the fact. 3 Edw. VII., c. 19, s. 14, *amended*. Agreement between councils as to annexation of village.

(3) Where the councils agree as to the county to which the village shall be annexed, the Provincial Secretary shall forthwith, after notice of the agreement, cause to be published in the *Ontario Gazette* notice of the county to which the village has been annexed. *New*. If councils agree notice to be published in Gazette.

**16.** A police village may be erected into a village in the manner and subject to the conditions mentioned in section 13. 9 Edw. VII., c. 73, s. 1, *first part*. Erection of police village into a village.

**17.** The Municipal Board may, upon the application of the council of a village, annex a district to it where from the proximity of the streets or buildings in the district or the probable future exigencies of the village, the Board deems it expedient. 3 Edw. VII., c. 19, s. 16, *amended*. Annexation of district to village.

**18.**—(1) The Municipal Board may annex land in unorganized territory to an adjacent incorporated township therein, and may also, on the application of two or more adjacent townships in such territory form them, with or without additional territory, into one township municipality, bearing such name as the Board may direct. R.S.O. 1897, c. 225, s. 64 (1), *amended*. Annexation of land to township in unorganized territory.

(2) The Board, on the application of the council of a city or town in unorganized territory, may annex to the city or town the whole or any part of an adjoining unorganized township, on such terms and conditions as may be determined by the Board. 2 Geo. V., c. 17, s. 35 (2). Annexation of land to city or town in unorganized territory.

**19.**—(1) Subject to subsection 2 of section 14, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of Incorporation of towns in unorganized territory.

twenty-

twenty-one years, incorporate as a town corporation the inhabitants of a locality having a population of at least 500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Order of Board.

(2) The order of the Board shall declare the name which the town shall bear, and its boundaries. 2 Edw. VII., c. 30, ss. 1 and 2, *part*.

Erection of cities and towns.

**20.**—(1) The Board may erect a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2,000 into a town, and declare the name which it is to bear. 3 Edw. VII., c. 19, s. 21, *first part*.

Part of township may be included.

(2) Where, from the proximity of streets or buildings or the probable future exigencies of the newly erected city or town, the Board deems it desirable that part of one or more adjacent townships should be included in it, the Board may, subject to the provisions of subsection 6, detach such part from the township or townships and annex it to the newly erected city or town. 3 Ed. VII., c. 19, s. 22, *amended*.

Division into wards.

(3) The newly erected city or town shall be divided into wards bearing such numbers or names as the Board may direct.

Number of wards.

(4) The number of wards in the town shall not be less than three, and each of the wards in the city or town shall have a population of not less than five hundred. 3 Edw. VII., c. 19, s. 23, *amended*.

Notice or application.

(5) Notice of the application for the erection of the town into a city or of a village into a town shall be published at least once a week for three months.

Part of township included to be described.

(6) Where it is proposed that part of one or more adjacent townships shall be embraced in the newly erected city or town, the notice shall so state and shall designate the part proposed to be embraced therein. 3 Edw. VII., c. 19, s. 21, *par. 1 amended*.

Force of order.

(7) The order shall be conclusive evidence that all conditions precedent to the making of it have been complied with, and that the city or town has been duly erected in accordance with the provisions of this Act. *New*.

Adding territory to city or town.

**21.**—(1) Where the council of a city or town by resolution declares that it is expedient that part of an adjacent township should be annexed to the city or town, and the majority of the municipal electors in such part petition the Board to add the same to such city or town, and after due notice of such resolution and petition has been given by the council

council of such city or town to the council of such adjacent township, and also, where the part is proposed to be added to a city or to a separated town to the council of the county in which the township is situate, the Board may, by order to take effect upon a day to be named therein, annex such part to the city or town upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements, or otherwise as may have been agreed upon, or as shall be determined by the Board.

(2) The order may, before it takes effect, be amended <sup>Amendment of order.</sup> in any respect by a further order, and may at any time when it does not correctly set forth the terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise agreed upon, be amended to conform with the agreement. 6 Edw. VII., c. 34, s. 1; 8 Edw. VII., c. 48, s. 1, *amended*.

(3) The Board may direct that a vote be taken for <sup>Board may order</sup> determining whether or not the majority of the municipal <sup>order</sup> electors of the part proposed to be annexed are in favour of <sup>vote to be taken.</sup> its being annexed, and may fix the time and place for the taking of the vote, name the returning officer, and make such other provisions as may be deemed necessary. *New*.

**22.** Where territory constituting or forming part of a local <sup>Adding territory to municipality in another county.</sup> municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. 3 Edw. VII., c. 19, s. 25, *amended*.

**23.**—(1) The Board may annex a town or a village to an <sup>Annexation of town or village to adjacent urban municipality.</sup> adjacent urban municipality, where:

(a) The councils of the town or village and of the adjacent urban municipality by by-law assent to the annexation; and

(b) The assent of the municipal electors of the town or village is given to the by-law of the council thereof.

(2) Subject to the provisions of subsection 5, the by-<sup>Provisions of by-law.</sup> law may provide for the annexation unconditionally, or on such terms as may be deemed expedient.

(3) If the urban municipality to which the town or village <sup>New city or town may be erected.</sup> is annexed has the requisite population, it may be erected into a city or town bearing such name as the Board may direct.

(4) Such redivision into wards of the city or town as the <sup>Division into wards.</sup> annexation renders necessary shall also be made.

(5) *Amended.*

By-law  
to be  
submitted  
on petition  
of 150  
electors.

(5) If a petition, signed by at least 150 electors of a town or village, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the town or village the council shall within four weeks after the presentation of the petition submit to the electors of the town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition. 3 Edw. VII., c. 19, s. 26, *redrafted*.

[*As to formation of new Townships, see 10 Edw. VII., c. 2, s. 11.*]

### TOWNSHIPS.

Formation  
of townships  
in unorga-  
nized  
territory.

**24.**—(1) The inhabitants of a township in unorganized territory having a population of not less than 100, and the inhabitants of a locality not surveyed into townships, having an area of not more than 20,000 acres and a population of not less than 100, may become incorporated as a township municipality. R.S.O., 1897, c. 225, s. 1 (1).

Petition  
for incor-  
poration.

(2) Upon the receipt of a petition praying for incorporation, signed by not less than 30 of the resident householders of the township or locality, and defining the limits of the proposed municipality, and a deposit being made of a sum sufficient to defray the expenses of the meeting to be held as hereinafter mentioned, a Judge of the District Court of the Provisional Judicial District in which the township or locality is situate may call a meeting of the inhabitants of it to consider the expediency of becoming incorporated and to choose a reeve and four councillors for the proposed municipality, and he shall name a fit person to be the chairman of the meeting, and make such provisions as he may deem proper for the conduct of the meeting and the manner of choosing the reeve and councillors; and notice of the meeting shall be given in such manner as the Judge shall direct. R.S.O. 1897, c. 225, ss. 2, 3, 4, *part*.

Qualification  
at first  
election.

(3) Every resident male householder of the full age of 21 years and a British subject shall be entitled to vote or to be elected as reeve or councillor at such meeting. R.S.O. 1897, c. 225, s. 6.

Chairman  
of meeting.

(4) The chairman shall preside at the meeting and shall record the votes given, and in the case of an equality of votes between two candidates for the office of reeve or councillor he shall give the casting vote, and he shall forthwith, after the close of the meeting, make a report in writing of the result of it to the Judge. R.S.O., 1897, c. 225, s. 4, *part*.

(5)

(5) The report shall contain a statement of the votes given <sup>Report to Judge.</sup> for and against the proposed incorporation, and for and against each person proposed for reeve or councillor, and shall be verified by the oath of the chairman. *New. See R.S.O., 1897, c. 225, s. 4.*

(6) If it appears to the Judge from the report that a <sup>Declaration of incorporation.</sup> majority of the inhabitants present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 resident householders and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the Judge within 10 days after the receipt by him of the report, the Judge shall declare in writing, Form 1, the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands, Forests and Mines, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*. *New. See R.S.O. 1897, c. 225, s. 5, last part, and s. 15.*

(7) If such an objection is filed within the prescribed time <sup>Hearing objections.</sup> the Judge shall hear and determine the matter complained of, and if he finds that the complaint is well founded shall call a new meeting and perform the other duties assigned to him by subsections 2 and 6. *New.*

(8) The incorporation shall be deemed to be complete <sup>When incorporation complete.</sup> when the Judge has signed the declaration, but shall not take effect until the 31st day of December following. *New.*

#### UNION OF TOWNSHIPS.

**25.** A union of townships shall consist of two or more <sup>Union of Townships.</sup> townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. *New.*

**26.** The Lieutenant-Governor in Council may, by pro-<sup>Annexation of new townships in unorganized territory to a county.</sup> clamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township of such county into a union of townships. 3 Edw. VII., c. 19, s. 29, *amended.*

**27.—**(1) The inhabitants of two or more townships in <sup>Incorporation of union of townships</sup> unorganized territory, adjacent to one another, and having in the aggregate a population of not less than 100, may become incorporated as a union of townships.

Proceedings.

(2) The proceedings for and incidental to the incorporation and the election of the members of the first council shall be the same as provided by section 24. R.S.O. 1897, c. 225, s. 1 (2), *part amended*.

Union of junior township, after separation, with adjoining township.

**28.** If two-thirds of the resident freeholders and tenants of a junior township whose names are entered on the last revised assessment roll petition the council of the county to be separated from the union to which it belongs, and to be attached to another adjoining township in the county, and the council considers that the interest and convenience of the inhabitants of the township would be promoted thereby, such council may separate it from the union, and may erect it with such adjoining township into a union of townships. 3 Edw. VII., c. 19, s. 31 (2), *amended*.

Seniority of united townships, how determined.

**29.** The order of seniority of townships forming a union of townships shall be determined by the number of freeholders and tenants thereof whose names are entered on the last revised assessment roll, and the township having the largest number of them shall be the senior township, and the other or others the junior township or townships, and where there is no such assessment roll for all or any one or more of the townships their seniority shall be determined by the functionary or body by which the union is formed. 3 Edw. VII., c. 19, s. 35, *amended*.

[As to annexation of gores, etc., to Townships, see 10 Edw. VII., c. 2, s. 13.]

#### SEPARATION OF JUNIOR TOWNSHIP FROM UNION.

Junior township containing 100 freeholders, etc., may be separated from union.

**30.**—(1) When a junior township of a union of townships has 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, the county council, if the union is not in unorganized territory, may separate the township from the union. 3 Edw. VII., c. 19, s. 30, *amended*.

(2) If the junior township is in unorganized territory and has a population of not less than 100, the Municipal Board, upon the application of not less than 15 of the assessed freeholders and tenants therein, may separate the township from the union. R.S.O. 1897, c. 225, s. 1 (2), *part amended*.

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union.

(3) If a junior township has 50, but less than 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, and two-thirds of such resident freeholders and tenants petition the council of the county to separate the township from the union and the council considers the township to be so situated with refer-

ence



ence to natural obstructions, that its inhabitants cannot conveniently remain united with the inhabitants of the other township or townships, the council may separate it from the union. 3 Edw. VII., c. 19, s. 31 (1), *amended*.

(4) Where a union of townships consisting of more than two townships is dissolved by the withdrawal of a junior township, the remaining townships shall constitute the union which shall be continued under its former name, omitting that of the junior township. <sup>Names of townships after separation</sup>

(5) Where a union of townships consisting of two townships only is dissolved, the inhabitants of each of the townships shall become a separate corporation bearing the name of the township. *New*.

#### DATE WHEN NEW INCORPORATION TO TAKE EFFECT.

**31.**—(1) Except in the cases provided for in sections 24 and 27, where a new corporation is constituted under this Act, the incorporation shall take effect on the 31st day of December next after the proclamation, order of the Municipal Board or by-law by which it is effected, and except in the case of a town being erected into a city or a village into a town the functionary or body by which the new corporation is constituted shall fix the place for holding the first election. appoint the returning officer, and otherwise provide for the holding of the election according to law. <sup>When new incorporation to take effect.</sup>

(2) The returning officer shall perform all the duties in connection with the election which in other cases are to be performed by the clerk of a local municipality, and shall act as clerk of the new municipality until a clerk is appointed and has taken the oath of office. <sup>Duties of returning officer.</sup> *New*.

*As to registration of by-laws, etc., erecting a village, town or city, or enlarging, diminishing or altering the boundaries of a municipality, see The Registry Act. 10 Edw. VII., c. 60, s. 69 (3).)*

#### MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

**32.** The erection of a district into a village, of a village into a town, or of a town into a city, or the separation of a township from a union of townships shall not affect the by-laws then in force in the district or municipality but the same shall remain in force until repealed by the council of the newly erected municipality, but nothing herein shall authorize the amendment or repeal of a by-law which the council <sup>By-laws of old corporation to remain in force in new corporation until repealed.</sup>



council by which it was passed could not lawfully amend or repeal. 3 Edw. VII. c. 19, s. 55, *amended*.

What by-laws to be in force in territory annexed to a municipality.

**33.** Where a district or a municipality is annexed to a municipality, its by-laws shall extend to such district or annexed municipality, and the by-laws in force therein shall cease to apply to it, except those relating to highways, which shall remain in force until repealed by the council of the municipality to which the district or municipality is annexed, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them. 3 Edw. VII. c. 19, s. 56, *amended*.

### *Assets, Debts and Liabilities.*

Liability for debts of union.

**34.** Where a junior township is separated from a union of townships the senior or remaining township or townships shall be liable to the creditors of the union for all the debts and obligations of the union. *New*.

Taxes for year preceding separation to belong to senior or remaining townships.

**35.** Where a junior township is separated from a union of townships all taxes imposed by the council of the union for the year in which the separation takes place shall be collected and paid over to the senior or remaining township or townships. 3 Edw. VII., c. 19, s. 60, *first part*.

Disposition of property upon dissolution of union.

**36.** After a junior township is separated from a union of townships the property of the union shall be disposed of as follows:

Real property.

(a) The real estate situate in the junior township shall become the property of that township;

(b) The real estate situate in the remaining township or townships shall be the property of the remaining township or townships;

Other assets.

(c) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

(d) The one shall pay or allow to the other, in respect of the disposition of the real and personal estate of the union, and in respect of its debts, such sum as may be just;

(e)

(e) If the councils of the two corporations do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal estate, or as to the sum to be paid by the one to the other, or as to the time of payment thereof, the matters in dispute shall be determined by arbitration; How to be determined in case of disagreement.

(f) The amount so agreed upon or determined shall bear interest from the day on which the union was dissolved; and the same shall be provided for by the corporation which is to pay it, as in the case of other debts. 3 Edw. VII., c. 19, s. 32. Amount settled to bear interest.

**37.** Where one local municipality is annexed to another the corporation of the latter shall become and be liable to the creditors of the corporation of the former for its debts and obligations and all the property and assets of the corporation of the annexed municipality shall be vested in the corporation of the municipality in which it is annexed, and that corporation shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the council of the annexed municipality including those for the year in which the annexation takes effect, as if such taxes had been imposed by the council of the municipality to which it is annexed. *New.* Liability to creditors and right to collect taxes where one municipality annexed to another.

**38.—**(1) Where a district is erected into a village, or is detached from one and annexed to another local municipality, there shall be an adjustment of assets and liabilities between the corporations of the municipality from which the district becomes or is detached and the corporation of the village or of the municipality to which the district is annexed, as the case may be, and if the interest of the district in the assets of the corporation of the municipality from which it becomes or is detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the village or of the municipality to which the district is annexed, as the case may be, the amount of the excess; but if the district's proportion of such liabilities exceeds its interest in such assets the corporation of the village or of the municipality to which the district is annexed, as the case may be, shall pay to the corporation of the municipality from which the district becomes or is detached the amount of the excess. Adjustment of assets and liabilities where village erected or district annexed to a municipality.

(2) If the corporations do not within three months after the separation takes effect agree as to such matter shall be determined by arbitration. Arbitration.

Where district becomes part of another county.

(3) Where a district is detached as well from a county as from the local municipality, of which it forms part, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the district is detached between that corporation and the corporation of the county to which the district is annexed, and the provisions of subsections 1 and 2 shall *mutatis mutandis* apply.

When right to adjustment barred.

(4) If the corporation of the county, or of the local municipality, does not within three months after the separation takes effect, notify the corporation of the other county or local municipality that it requires an adjustment of the assets and liabilities, its right to claim an adjustment shall be barred. *New.*

Case of town erected into a city or a town or village annexed to city or separated town.

(5) Where a town not being a separated town is erected into a city, or a town or village is annexed to a city or separated town, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the town or village is withdrawn between that corporation and the corporation of the city or separated town. *New. See 3 Edw. VII., c. 19, s. 58 (1).*

No allowance to city for interest in court house or gaol.

(6) Where a town is erected into a city the city shall not be entitled, in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or gaol of the county. *3 Edw. VII. c. 19, s. 510 (1), last part.*

Ownership of real estate in district erected into village or annexed to a municipality.

**39.**—(1) Where a district is erected into a village or is detached from one local municipality and annexed to another, the real estate belonging to the corporation from which the district becomes or is detached and situate therein, shall belong to and be vested in the corporation of the village or of the municipality to which the district is annexed, as the case may be, but this shall not apply to a town hall and the land on which it is erected or which is used or enjoyed in connection with it, but the same shall remain the property of the corporation of the municipality from which the district becomes or is detached. *New. See 3 Edw. VII., c. 19, ss. 13 and 32.*

Collection of taxes.

(2) The taxes imposed by the council of the municipality from which the district becomes or is detached for the year in which it is detached shall belong to the corporation of that municipality and may be collected and recovered by it as if the district had not been detached but still remained part of the municipality. *New.*

Powers to proceed with local improvements upon lands annexed to another municipality.

**40.**—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a corporation, and after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a

*new*

new municipality or is annexed to another municipality, the corporation of the municipality from which such land becomes or is detached may complete such work or service, and may enter upon and acquire any land lying within such new or other municipality necessary for the completion of such work or service; and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money, and do all such other acts and things as are necessary to complete such work or service, and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.

(2) The corporation by which the work or service was undertaken shall be indemnified by the corporation of the municipality which is constituted from such land or to which such land is annexed against all debts and liabilities incurred by it before the formation of the new corporation or the annexation of such land for or in respect of any such work or service to the extent to which the land lying within such new or other municipality was specially assessed and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the corporation of the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account. 3 Edw. VII. c. 19, s. 58 (2-3), *redrafted*.

(3) Where the land specially assessed lies wholly within such new or other municipality, the corporation thereof shall be liable for the entire debt in respect of such work or service and the clerk of the municipality from which the land was detached shall furnish the clerk of such new or other municipality with certified copies of all the by-laws relating to such work or service and the rates imposed by such by-laws shall be collected by the corporation of the new or other municipality, and that corporation shall pay the principal and interest of the debentures issued in respect of such work or service as they become due and shall indemnify the corporation of the municipality from which the land was detached against the same. 3 Edw. VII. c. 19, s. 58 (4), *amended*.

(4) Where part only of the land specially assessed lies within the new or other municipality the clerk of the municipality from which it was detached shall furnish the clerk of such new or other municipality with a certified copy of the by-law imposing the special assessment, and the corporation of such new or other municipality in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same is collected, and in the adjustment of the assets and

and liabilities consequent upon the detachment of such land the debts incurred by the corporation of the municipality from which it was detached for its share of the cost of such work or service shall be taken into account. 3 Edw. VII. c. 19, s. 58 (5), *amended*.

Rates for payment of bonus to railways by part of township.

**41.** Where the land detached is subject to rates for the payment of a bonus or aid granted by a part of a township in aid of a railway, the provisions of section 40 shall, *mutatis mutandis*, apply. *New*.

Jurisdiction of old Council on formation of new corporation.

**42.** Where a district is erected into a village, or a village into a town, or a town into a city, or a township is separated from a union of townships, the council having authority in the district or municipality at the time of the erection or separation shall, until the council of the new corporation is organized, continue to have the same powers as before such erection or separation. 3 Edw. VII. c. 19, s. 62.

### *Officials and Sureties.*

Effect of separation upon public officers and their sureties.

**43.**—(1) The separation of a junior township from a union of townships shall not affect the office, duty, power or responsibility of any officer of the union who continues to be an officer of the remaining township or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the remaining township or townships. 3 Edw. VII., c. 19, s. 63.

Further provisions as to officers.

(2) Every such officer shall, after the separation, be the officer of the remaining township or townships as if he had been originally appointed an officer thereof. 3 Edw. VII., c. 19, s. 64.

Liability of sureties for public officers.

(3) The sureties for such officer shall remain liable, as if they had become his sureties in respect only of the remaining township or townships, and all securities shall, after the separation, be read as if they had been given only to or for the benefit of the remaining township or townships. 3 Edw. VII., c. 19, s. 65.

### *New Division into Wards.*

New division of wards in cities and towns.

**44.** Where the council of a city or town, before the 15th day of July in any year, by a vote of two-thirds of all the members, passes a resolution affirming the expediency of a new division into wards of the city or town or of a part of it, the Lieutenant-Governor in Council may by proclamation re-divide the city or town or part of it into wards, as he may deem expedient. 3 Edw. VII., c. 19, s. 102, *re-drafted*.

## PART II.

## MUNICIPAL COUNCILS—HOW COMPOSED.

*Counties.*

**45.** The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. County Councils, how composed.  
6 Edw. VII. c. 35, s. 1, *part amended.*

*Cities.*

**46.**—(1) Subject to subsection 7 the council of a city shall be composed of a mayor, the members of the Board of Control, if the city has such a board, and Councils of cities, how composed.

(a) Three aldermen for each ward, or

(b) Where the council by by-law so provides two aldermen for each ward; 3 Edw. VII. c. 19, s. 70 (1), *part amended, or*

(c) In the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population. 3 Edw. VII. c. 19, s. 71a (3), *part amended.*

(2) In the case provided for by clause (c) of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and the number of aldermen shall be the same as if they were elected by wards. 3 Edw. VII., c. 19, s. 71a (5), *amended.* By-law for election by general vote.

(3) A by-law for the purposes mentioned in clause (b) or (c) of subsection 1 shall not be repealed until at least two annual elections have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual elections have been held under it. 3 Edw. VII. c. 19, ss. 70 (2) and 71a (7), *part, and* 10 Edw. VII. c. 85, s. 1, *amended.* Repeal of by-law.

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors. 3 Edw. VII. c. 19, s. 70 (1), *part, and* s. 71a (6), *amended.* When and how by-law to be passed.

(5)



When by-law to take effect.

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the annual election next after the passing of it. 3 Edw. VII. c. 19, s. 71a (9).

Submission of by-law on petition of electors.

(6) Subject to subsection 3 where the petition of at least one-fifth of the municipal electors is presented on or before the first day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause (c) of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition. 3 Edw. VII. c. 19, s. 71a (7), *part amended*.

Council of City of Toronto.

(7) Notwithstanding anything in any special Act the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each of the six wards existing on the 1st day of January, 1909, and two aldermen for Ward Number 7 until its population, according to the municipal enumeration by the assessor, reaches 30,000, and after that three aldermen for that Ward. 9 Edw. VII. c. 73, s. 6, *amended*.

### *Towns.*

Councils of towns in unorganized territory

**47.—**(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote. 2 Edw. VII. c. 30, s. 4.

Councils of towns over 5,000

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors to be elected by general vote. 9 Edw. VII. c. 73, s. 3 (1), *amended*.

Councils of towns in counties.

**48.—**(1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, as many deputy Reeves as the town is entitled to and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards. 3 Edw. VII. c. 19, s. 71 (1), *first part amended*.

By-laws for changing composition of council.

(2) Where there are less than five wards the council on the petition of not less than 100 municipal electors shall provide that the number of councillors shall be two for each ward, or may without petition provide that the number of councillors shall be one for every 1,000 of the population



tion to be elected by general vote, or if the population is less than 6,000 that the number of councillors shall be six to be elected by general vote. 3 Edw. VII. c. 19, s. 71 (1), *last part*, and s. 71a (3), *part amended*.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to and <sup>Case of town of not more than 5,000.</sup>

(a) Six councillors to be elected by general vote; or

(b) Where the council so provides one councillor for each ward and the remaining councillors to complete the full number of six to be elected by general vote. 3 Edw. VII. c. 19, s. 71a (1-2), *amended*.

(4) A by-law for any of the purposes mentioned in subsection 2 of section 47 or subsection 2 or clause (b) of subsection 3 of this section shall not be repealed until two annual elections have been held under it, and a by-law for the purpose mentioned in clause (b) of subsection 3 shall not be passed until two annual elections under clause (a) have been held. 3 Edw. VII. c. 19, s. 71a (4) and (7), *last part amended*. <sup>Repeal of by-laws.</sup>

(5) A by-law for any of the purposes mentioned in subsection 2 of section 47 or in subsections 2 and 3 of this section, and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors. 3 Edw. VII. c. 19, s. 71a (6), *amended*. <sup>Assent of electors required.</sup>

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after the passing of it. 3 Edw. VII. c. 19, s. 71a (9). <sup>When by-law to take effect.</sup>

(7) Subject to subsections 2 and 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. 3 Edw. VII. c. 19, s. 71a (7), *part amended*. <sup>Submission of questions on petition of electors.</sup>

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the first day of November shall submit the question of repealing the by-law to a vote of the electors at the next ensuing annual election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. 3 Edw. VII. c. 19, s. 71 (2), *amended*.

Population,  
how de-  
termined.

**49.** For the purposes of sections 46 to 48 the population shall be determined by the latest census of Canada. 3 Edw. VII. c. 19, s. 71a (10).

#### *Villages and Townships.*

Councils of  
villages and  
townships.

**50.**—(1) The council of a village and the council of a township shall consist of a reeve, as many deputy reeves as the municipality is entitled to, and a sufficient number of councillors to make up with the deputy reeves four in all, and they shall all be elected by general vote. 3 Edw. VII. c. 19, ss. 72 and 73, *amended*.

(2) The council of a township in unorganized territory shall consist of a reeve and four councillors. *New. See R.S.O. 1897, c. 225, s. 2.*

#### *Towns, Villages and Townships.*

Deputy  
reeves in  
towns, vil-  
lages, and  
townships.

**51.**—(1) A town, not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve, or where it has more than 2,000 and not more than 3,000 municipal electors, to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve. 6 Edw. VII. c. 35, s. 2, *par. 1, amended*.

Number of  
electors,  
how deter-  
mined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once. *New.*

#### QUALIFICATIONS.

Qualifica-  
tion of  
members of  
councils.

**52.**—(1) Subject to subsection 6, no person shall be qualified to be elected a member of the council of a local municipality unless he

- (a) Resides in or within two miles of the municipality;
- (b) Is a British subject;
- (c) Is a male of the full age of twenty-one years;
- (d)

(d) Is not disqualified under this or any other Act, and

(e) In any municipality is at the time of the election in actual occupation of a freehold estate rated in his own name or in the name of his wife on the last revised assessment roll of the municipality for at least \$2,000, whether or not the same is encumbered, and of which he or she is the owner; or

(f) Is or his wife is at the time of the election the owner or tenant of a freehold or leasehold or partly freehold and partly leasehold estate, legal or equitable, or partly legal and partly equitable, in land assessed in his or her name on the last revised assessment roll of the municipality, if not in unorganized territory, of at least the value according to such assessment roll over and above, in the case of an owner, all liens, charges and encumbrances thereon, of

I. In a village, if freehold, \$200; or if leasehold, \$400;

II. In a township, if freehold, \$400; or if leasehold, \$800;

III. In a town, if freehold, \$600; or if leasehold, \$1,200;

IV. In a city, if freehold, \$1,000; or if leasehold, \$2,000;

Or if in unorganized territory,

V. In a township (except at the first election), if freehold, \$100; or if leasehold, \$200;

VI. In a city or town, if freehold, \$400; and if leasehold, \$800.

(2) A person who would have had the qualification prescribed by subsection 1, if he or his wife had continued to be the owner or tenant of land in respect of which his or her name was entered on the last revised assessment roll down to and at the time of the election, if otherwise qualified, shall be qualified to be elected, notwithstanding that he or his wife has alienated the estate in the land for which he or she was assessed, or, if a leasehold estate, it has been determined by effluxion of time, surrender or otherwise between the date of the return of the assessment roll and the time of the election, if at the time of the election he is a resident of the municipality and he or his wife has at the time of the election an estate in other land of a sufficient assessed value, according

When  
alienation  
of assessed  
estate not to  
disqualify.

according to the last revised assessment roll, to qualify him for election under subsection 1 if he or she had been assessed for it.

(3) Subsections 4 and 5 of section 56 shall apply to the rating qualifications prescribed by this section.

Qualifica-  
tion when  
district an-  
nexed to  
urban muni-  
cipality.

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory, before its annexation, was situate, and for a sufficient amount to qualify him for election to the council of that municipality.

"Lease-  
hold,"  
meaning of.

(5) In this section "leasehold" and "leasehold estate" shall mean a tenancy for one year or more, or a tenancy from year to year. 3 Edw. VII. c. 19, s. 76; 6 Edw. VII. c. 35, s. 5, *amended*.

Qualifica-  
tion in  
new town-  
ship in  
unorganized  
territory.

(6) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is a male of the full age of twenty-one years, a British subject and a householder resident in the municipality. *New. See R.S.O. 1897, c. 225, s. 6.*

If not two  
persons  
qualified for  
each seat in  
the council.

(7) If there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond that of a municipal elector shall be necessary. 3 Edw. VII. c. 19, s. 79, *amended*.

#### DISQUALIFICATION.

Persons  
disqualified  
from being  
members of  
a Council

**53.**—(1) The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein:

- (a) A judge of any court;
- (b) A gaoler or a keeper of a lock-up;
- (c) A sheriff, deputy sheriff or sheriff's bailiff;
- (d) A high bailiff or chief constable of a city or town;
- (e) An assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality;
- (f) A clerk or bailiff of a division court;
- (g) A crown attorney or a clerk of the peace;
- (h)

- (h) A registrar or a deputy registrar of deeds;
- (i) A master or a local master of titles;
- (j) A member of a public or separate school board or of a board of education, of a city, town or village, or a member of a high school board, unless he has at least ten days before the day of nomination filed his resignation with the Secretary of the Board;
- (k) A person licensed to sell spirituous liquor by retail;
- (l) A license commissioner or an inspector of licenses;
- (m) A police magistrate;
- (n) A clerk of a county or district court;
- (o) A deputy clerk of the Crown or a local registrar;
- (p) A person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials;
- (q) A person who either himself or by or with or through another has any claim, action or proceeding against the corporation;
- (r) A person who, either himself or by or with or through another is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation. 3 Edw. VII. c. 19, s. 80 (1); 6 Edw. VII. c. 34, s. 3; 8 Edw. VII. c. 48, s. 2; 10 Edw. VII. c. 85, s. 2, *amended*.
- (s) A person who at the time of the election is liable for any arrears of taxes to the corporation of the municipality. *New*.
- (t) A person against the land in respect of which he qualifies there are at the time of the election any arrears of taxes. *New*. See 9 Edw. VII. c. 73, s. 4.

Share-  
holders in  
incorporated  
companies  
having  
dealings  
with  
corporation,  
lessees of  
corporation,  
and news-  
paper pro-  
prietors not  
disqualified.

(2) Subsection 1 shall not apply to a person by reason only:

(a) Of his being a shareholder in an incorporated company having dealings or a contract with the corporation, or

(b) Of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation, or

(c) That part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council, or

(d) Of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices which appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing. 3 Edw. VII. c. 19, s. 80 (2), *part amended*; 4 Edw. VII. c. 22, s. 37, *part amended*, or

(e) Of his having been appointed and paid for his services as commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation. 3 Edw. VII. c. 19, s. 537, part 1 (a) *amended*, or

(f) Of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him. *New*.

Shareholder,  
lessee or  
newspaper  
proprietor,  
etc., not to  
vote on any  
question  
affecting his  
dealings  
with cor-  
poration.

(3) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation.

3 Edw. VII. c. 19, s. 80 (2) *part*, and 4 Edw. VII. c. 22, s. 37, *part amended*.

(4) The filing of the resignation mentioned in clause (j) <sup>Resignation when to vacate seat.</sup> of subsection 1 shall render vacant the seat of the member.  
10 Edw. VII. c. 85, s. 2, *part*.

**54.** If a member of a council in his own name or in that <sup>Contracts by members with corporation to be void.</sup> of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation shall be void. 3 Edw. VII. c. 19, s. 83, *amended*.

#### EXEMPTIONS.

**55.** The following shall be exempt from being elected as <sup>Persons exempt.</sup> members of a council and from being appointed to any municipal office:

- (a) Persons of the age of sixty years and upwards;
- (b) Members and officers of the Senate, or of the House of Commons of Canada, or of the Assembly;
- (c) Coroners;
- (d) Clergymen and ministers of every denomination;
- (e) Members of the Law Society of Upper Canada, whether barristers or students;
- (f) Officers of Courts of Justice;
- (g) Physicians and surgeons;
- (h) Professors, masters and teachers, and the officers and servants of a university, college or school in Ontario;
- (i) Millers;
- (j) Officers and members of a fire brigade or of an authorized fire company. 3 Edw. VII. c. 19, s. 84, *amended*.



### PART III. MUNICIPAL ELECTIONS.

#### *Who to be entered on Voters' List.*

Qualifica-  
tion to be  
entered on  
voters' list.

**56.**—(1) Every person shall be entitled to be entered on the voters' list prepared under Part I. or II. of *The Ontario Voters' Lists Act*, who is:

- (a) A male, a widow or an unmarried woman;
- (b) Of the full age of twenty-one years;
- (c) A British subject by birth or naturalization;
- (d) Not disqualified under this Act or otherwise by law prohibited from voting; and
- (e) Rated, or entitled to be rated, or in the case of a male whose wife is or was entitled to be rated to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in his or her own right, or so rated or entitled to be so rated for income, or who is entered or was entitled to be entered on such roll as a farmer's son. 3 Edw. VII. c. 19, s. 86 (1), *part amended*.

Amount of  
rating neces-  
sary.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable or partly of each to an amount not less than

- (a) In villages and townships, \$100;
- (b) In towns having a population not exceeding 3,000, \$200;
- (c) In towns having a population exceeding 3,000, \$300;
- (d) In cities, \$400. 3 Edw. VII. c. 19, s. 87.

Income.

(3) The rating for income shall be in respect of income from a trade, office, calling or profession of not less than \$400 which has been received during the twelve months next preceding the final revision of the assessment roll or the twelve months next preceding the last day for making complaint to the Judge under *The Ontario Voters' Lists Act*. 3 Edw. VII. c. 19, s. 86 (1), *part amended*.

Where  
owner and  
occupant  
severally  
rated.

(4) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated. 3 Edw. VII. c. 19, s. 92, *amended*.

(5)

(5) Where land is owned or occupied jointly by two or more persons who are rated at an amount sufficient, if equally divided between them, to give a qualification to all, each shall be deemed to be rated within the meaning of this section, otherwise none of them shall be deemed to be so rated. 3 Edw. VII. c. 19, s. 93, *amended*.

(6) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, shall be entitled to be entered on the voters' list if he has the other qualifications of a farmer's son as prescribed by that Act and has resided on the farm of his father or mother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Ontario Voters' Lists Act*.

(7) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son to be entered on the voters list. 3 Edw. VII. c. 19, s. 86 (1), *part amended*.

### *Right to Vote.*

**57.** Subject to sections 59, 60 and 61, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election except that in the case of a tenant he shall not be entitled to vote unless he is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of an income voter and of a farmer's son, he is a resident of the municipality at the date of the election. 3 Edw. VII. c. 19, ss. 86 (1), and 89 *a*, *part amended*.

**58.** Except as to the disqualification arising from his not residing in the municipality at the time of the election in the case of an income or farmer's son voter or from his not residing in the municipality for one month next before the election and at the time of the election in the case of a tenant, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, no question as to the qualification of any person whose name is entered on the proper list of voters shall be raised at an election. *New.* See 3 Edw. VII. c. 19, s. 89, *last part*.

**59.**—(1) No person whose name appears on the defaulters' list provided for by section 95 shall be entitled to vote in respect of income in any municipality, or in respect of real property in a municipality, the council of which has passed a by-law under paragraph 9 of section 399, unless

at

at the time of tendering his vote he produces and leaves with the deputy-returning officer a certificate from the treasurer, or the collector, shewing that the taxes, in respect of which the default was made, have since been paid.

Certificate  
to be filed.

(2) The deputy-returning officer shall file the certificate, and note the same on the defaulters' list. 3 Edw. VII. c. 19, s. 88, *amended*.

Clerk may  
give a  
casting  
vote only.

**60.** The Clerk of the municipality shall not be entitled to vote except to give a casting vote as provided by section 127. 3 Edw. VII. c. 19, s. 179 (2), *amended*.

Persons  
employed by  
candidates  
for reward  
not to vote.

**61.**—(1) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any other person at or in reference to, or for the purpose of forwarding the election, and who has received or expects to receive, either before, during or after the election, from any candidate or from any other person, for acting in such capacity, any money, fee, office, place or employment, or any promise, pledge or security therefor.

Exceptions.

(2) Subsection 1 shall not apply to a person who performs any official duty in connection with the election and who receives the fees therefor to which he is entitled. *New.* See 5 Edw. VII. c. 22, s. 8; 8 Edw. VII. c. 3, s. 13 (2-3).

Where  
territory  
added to  
city, town or  
village, or a  
new city,  
town or vil-  
lage erected  
with added  
territory,  
and no  
voters' lists  
including  
such terri-  
tory.

**62.** Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the Judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected, shall be entitled to vote in the city, town or village at such election. 3 Edw. VII. c. 19, s. 91; 5 Edw. VII. c. 25, s. 2, *amended*.

#### NOMINATION MEETING.

Meeting for  
nomination  
of mayor,  
reeve,  
deputy-  
reeves, etc.

**63.** Subject to subsection 4 of section 64 and to section 73 a meeting of the electors shall take place for the nomination of candidates for mayor, controllers, water commissioners, and sewerage commissioners, in cities and towns, and of reeve or reeve and deputy reeve or deputy reeves in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon. 3 Edw. VII. c. 19, s. 118 (1); 6 Edw. VII. c. 35, s. 7, *amended*.

**64.**—(1) Subject to subsections 3 to 6, and to section 73, a meeting of the electors shall take place for the nomination of candidates for aldermen in cities and councillors in towns, to be elected by general vote, and for reeves, deputy reeves and councillors in villages and townships, annually at noon, on the last Monday in December, at the hall of the municipality, or at such place therein as may from time to time be fixed by by-law.

Meetings in cities, towns etc., for nomination of aldermen, etc.

(2) Where the election of aldermen or councillors is by wards the meeting shall be held annually at noon on the last Monday in December at such places in each ward as may from time to time be fixed by by-law, but the council of a town divided into wards may provide that the meeting for the nomination of candidates for councillors for the wards shall be held at the same time and place as the nomination for mayor. 3 Edw. VII. c. 19, ss. 118 (2), 119; 6 Edw. VII. c. 35, s. 8, *amended*.

Place of nomination.  
Nomination of councillors in towns.

(3) The council of a city may by the by-law fixing the places for the nomination of candidates for aldermen, provide that the hour of nomination shall be half-past seven o'clock in the afternoon.

Hour for holding nominations in cities.

(4) The council of a town or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon. 3 Edw. VII. c. 19, s. 120; 6 Edw. VII. c. 35, s. 9, *amended*.

In towns and villages.

(5) The council of a township may by by-law provide that the meeting for the nomination of all candidates shall be held at one o'clock in the afternoon. 3 Edw. VII. c. 19, s. 122; 6 Edw. VII. c. 35, s. 10.

In townships.

(6) Where a township adjoins an urban municipality, that municipality may be designated as the place of meeting for the nomination of all candidates. 3 Edw. VII. c. 19, s. 123; 6 Edw. VII. c. 35, s. 11.

Where township adjoins urban municipality.

**65.** The nomination meeting shall be held on the day fixed for it by or under the authority of this Act, except where it is Christmas Day, and in that case the meeting shall be held on the preceding Friday. 3 Edw. VII. c. 19, s. 124; 6 Edw. VII. c. 35, s. 12, *amended*.

If nomination day falls on Christmas.

**66.** Where the incorporation of a new municipality takes effect on the 31st day of December as provided by section 31, the nomination and all proceedings incidental thereto and to the holding of the election on the 1st Monday of the January following may be had and taken as if the incorporation had taken effect. *New.*

Nomination and polling in new municipality.

Notice of nomination meeting.

**67.** The returning officer shall give at least six days' notice of the nomination meeting. 3 Edw. VII. c. 19, s. 127.

Nomination and proceedings incident thereto.

**68.**—(1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting. 3 Edw. VII. c. 19, s. 128 (1). *Amended.*

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection.

Where only one candidate nominated for an office.

(3) If no more candidates are nominated for an office than are to be elected, the returning officer, after the lapse of one hour from the time fixed for holding the meeting, shall declare such candidate duly elected.

In what cases poll to be held.

(4) If more candidates are nominated for an office than are to be elected, the returning officer shall adjourn the proceedings until the first Monday in January next thereafter, when, unless there is an election by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided, polls shall be opened in each ward or polling subdivision at such place or places as have been fixed by by-law. 3 Edw. VII. c. 19, s. 128 (2-3), *amended.*

Names of candidates to be posted up.

**69.**—(1) The returning officer shall, on the day of the nomination, post up in the office of the clerk the names of the persons nominated for the respective offices.

Resignation of person nominated.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding day, any person nominated for one or more offices may resign, or may elect for which office he is to remain nominated; and in default he shall be deemed to be nominated for the office for which he was first nominated.

When resignations to be in writing.

(3) Where he resigns after the nomination meeting the resignation shall be in writing, signed by him and attested by a witness, and shall be delivered to the clerk within the time hereinbefore mentioned. 3 Edw. VII. c. 19, s. 129 (1-3), *amended.*

Candidates to file declaration of qualification.

(4) In an urban municipality every candidate for any municipal office, including that of water commissioner, and sewerage commissioner, shall on nomination day, or before nine o'clock in the afternoon of the following day, or if that day is a holiday before noon of the succeeding day, file in  
the

the office of the clerk a declaration, Form 2. 3 Edw. VII. c. 19, s. 129 (3a), *first part*; 4 Edw. VII. c. 22, s. 4; 6 Edw. VII. c. 35, s. 14; 9 Edw. VII. c. 73, s. 4; 1 Geo. V. c. 57, s. 2, *amended*.

(5) Where a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the time prescribed by subsection 4, and he appears by the last revised assessment roll to be qualified to be elected, the declaration of any person who has and states in the declaration that he has knowledge of the facts, that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualification prescribed for the office for which he has been nominated and that if elected he will accept the office may be filed in lieu of the declaration of the candidate. *New.*

When declaration may be made by some one for candidate.

(6) If one or other of such declarations is not filed within the time mentioned in subsection 4, the candidate in default shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot paper. 3 Edw. VII. c. 19, s. 129 (3a), *last part amended.*

Effect of failure to make declaration.

(7) If by reason of resignations the number of candidates remaining for any office does not exceed the number to be elected the returning officer, whether the event happens on or after nomination day, shall declare the remaining candidate or candidates duly elected. 3 Edw. VII. c. 19, s. 129 (4), *amended.*

Election by acclamation when other candidates retire.

(8) On the day following the nomination day. the returning officer for each ward shall certify to the clerk the result of the meeting. *New.*

Result of nomination meeting.

**70.**—(1) Where the candidates, or any of them, retire, and by reason of such retirement or where from any other cause the requisite number of persons is not elected, the members elected, if they equal or exceed one-half of the council when complete, or a majority of such members, shall order a new election to be held to fill the vacancies. 3 Edw. VII. c. 19, s. 130.

Non-election of full council by reason of retirement of candidates.

(2) Where less than half the members of the council are elected, the clerk shall cause a new election to be held; and until such election is held, and the council is elected, the council of the preceding year shall continue in office. 3 Edw. VII. c. 19, s. 131.

Retirement by a majority of council.



New election, when to be held.

(3) The new election shall be held as soon as practicable. 3 Edw. VII. c. 19, s. 131a.

Elections to be held annually.

**71.** Except in the case of the first election provided for by sections 24 and 27 and subject to section 73 the electors of every local municipality shall elect annually on the first Monday in January, although it is a holiday, the members of council, the water commissioners, and the sewerage commissioners who are to be elected, except such as have been elected at the nomination. 3 Edw. VII. c. 19, s. 95, *first part amended*.

Term of office of members, etc.

**72.**—(1) The members of a council shall hold office until their successors are elected and the new council is organized. 3 Edw. VII. c. 19, s. 95, *last part*.

(2) The members of a board of water commissioners, and sewerage commissioners shall hold office until their successors are elected and the new board is organized. *New*.

By-laws for holding nominations on 23rd December and elections on New Year's Day, in certain cities.

**73.** The council of a city having a population of not less than 75,000, may, by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for Mayor, Controllers, Aldermen and the Board of Education shall be held on the 23rd day of December, except where that day is a Sunday, and in that case on the following day, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 3 Edw. VII. c. 19, s. 95a; 5 Edw. VII. c. 22, s. 2, *amended*.

Two years term for councils may be adopted.

**74** The council of a local municipality may by by-law passed with the assent of the municipal electors, extend the term of office of the members of the council to be thereafter elected to two years, and may with the like assent repeal such by-law. 6 Edw. VII. c. 34, s. 4, *amended*.

Election to be held in municipality.

**75.** Subject to subsection 6 of section 64 the election shall be held in the municipality. 3 Edw. VII. c. 19, s. 104.

Election not to be held in tavern.

**76.** An election shall not be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 3 Edw. VII. c. 19, s. 105.

Appointment of places for nomination and polling, deputy-returning officers, etc.

**77.**—(1) The council of every local municipality in which the election is by wards or polling subdivisions, shall from time to time, appoint:

(a)



(a) The places for holding the nominations for each ward;

(b) A returning officer to hold the nominations for each ward;

(c) The places at which polls shall be opened if a poll is required;

(d) A deputy returning officer and a poll clerk for each polling subdivision. 3 Edw. VII. c. 19, s. 106 (1), *amended*.

(2) In a city having a population of not less than 100,000 <sup>Election officers, how</sup> the returning officers, deputy returning officers, and poll <sup>appointed</sup> clerks shall be appointed on the recommendation of the clerk, <sup>in cities over</sup> 100,000. and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside. 5 Edw. VII. c. 22, s. 4; 6 Edw. VII. c. 34, s. 5, *amended*.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint <sup>Pol. clerk refusing to</sup> another person to act in his place. <sup>act, etc.</sup>

(4) If a poll clerk does not attend at the opening of the <sup>Appointment of poll clerk</sup> poll the deputy returning officer shall appoint another person <sup>by D.R.O.</sup> to act in his place. 8 Edw. VII. c. 48, s. 3, *amended*.

(5) The clerk shall be the returning officer for the whole <sup>Clerk to be</sup> municipality; and if a poll is required, the deputy-returning <sup>returning</sup> officers shall make to him the returns for their respective <sup>officer for</sup> wards or polling subdivisions. 3 Edw. VII. c. 19, s. 106 (2). <sup>whole muni-</sup>

**78.**—(1) In a local municipality which is not divided <sup>Returning and deputy</sup> into polling subdivisions, the clerk shall be the returning <sup>officer where</sup> officer for the nomination of candidates. 3 Edw. VII. c. 19, <sup>election not</sup> s. 107, *amended*. <sup>by polling</sup>

(2) The council shall from time to time appoint the place <sup>Polling</sup> at which the poll shall be opened if a poll is required. *New.* <sup>place.</sup>

**79.**—(1) Where a by-law to appoint the place for hold- <sup>Place for</sup> ing any meeting required to be held for the nomination of <sup>nomination</sup> candidates is necessary and the council fails to pass it the <sup>and polling</sup> meeting shall be held at the place at which the nomination <sup>where Coun-</sup> <sup>cil fails to</sup> <sup>fix places.</sup> for the next preceding election was held.

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. *New. See 3 Edw. VII. c. 19, s. 97.*

Refusal or neglect of returning officer or deputy returning officer to perform his duties.

**80.**—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists, and other election papers, the clerk shall appoint another person to act in his place.

When electors may choose returning officer.

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

Case of deputy returning officer not attending at poll.

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

When electors not to choose deputy.

(4) In a city having a population of not less than 100,000 a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk. 3 Edw. VII. c. 19, s. 108 (1-2); 5 Edw. VII. c. 22, s. 4, *amended.*

Where returning officer or deputy is unable to perform his duties.

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. 3 Edw. VII. c. 19, s. 108 (3), *amended.*

Returning officers and deputy returning officers to be conservators of the peace.

**81.**—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and shall have all the powers of a Justice of the Peace. *New. See 8 Edw. VII. c. 3, s. 153.*

(2) A returning officer, a deputy returning officer or a Justice of the Peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or Justice of the Peace in the performance of his duties under this subsection. *New. See 8 Edw. VII. c. 3, ss. 154, 156.*

**82.** A returning officer, a deputy returning officer, or a Justice of the Peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary; and any person liable to serve as constable, and required by a returning officer, a deputy returning officer, or a justice, to be sworn in as a special constable, if he refuses to be sworn in or to serve, shall incur a penalty of \$20. 3 Edw. VII. c. 19, s. 110, *amended.*

### *Ballot Boxes.*

**83.**—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

Ballot boxes to be furnished.

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

How made.

(3) Two days at least before polling day the clerk shall deliver a ballot box to every deputy returning officer.

Delivery of to deputy-returning officers.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections; and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

Clerk to preserve boxes for future elections.

(5) If the clerk fails to provide the ballot boxes he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide.

Penalty for failure to furnish boxes.

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed, shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the same to the deputy returning officer. 3 Edw. VII. c. 19, s. 138, *amended.*

Deputy returning officers to procure boxes when not supplied.

*Ballot Papers.*

Ballot papers to be printed.

**84.** Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. 3 Edw. VII. c. 19, s. 139 (1).

Ballot papers where election is by wards.

**85.**—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward. 3 Edw. VII. c. 19, s. 140 (1); 6 Edw. VII. c. 35, s. 15, *amended*.

Ballot papers where aldermen or councillors elected by general vote.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors. 3 Edw. VII. c. 19, s. 140 (2); 6 Edw. VII. c. 35, s. 16, *amended*.

Ballot papers for townships and villages.

(3) In villages and townships there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors. 3 Edw. VII. c. 19, s. 140 (3); 6 Edw. VII. c. 35, s. 17, *amended*.

Ballot papers for controllers, etc.

(4) There shall also be separate sets of ballot papers for controllers, water commissioners, street railway commissioners and sewerage commissioners. *New*.

Form of ballot papers.

**86.** The ballot papers shall be according to Forms 3, 4, or 5, and shall contain the names of the candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates for the same office with the same surname, in the order of their Christian names. 3 Edw. VII. c. 19, s. 141 (9); 7 Edw. VII. c. 40, s. 3, *amended*.

*Polling Places.*

Clerk to furnish deputy returning officers with ballot papers, etc.

**87.** Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and the deputy returning officer shall furnish him with the materials necessary to enable

voters

voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. 3 Edw. VII. c. 19, s. 144, *amended*.

88. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 83. 3 Edw. VII. c. 19, s. 145, *amended*.

Compartment for making ballots.

#### *Directions to Voters.*

89. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters, Form G, for the purposes of the election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. 3 Edw. VII. c. 19, s. 146, *amended*.

Directions to voters to be printed.

90. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if the same were not received before opening the poll, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 3 Edw. VII. c. 19, s. 147, *amended*.

Deputy returning officers to placard the directions.

#### *Voters' Lists, Poll Books.*

91. The proper list of voters to be used at an election shall be the first and second parts of the last voters' list certified by the Judge under *The Ontario Voters' Lists Act*, with the supplementary list, if any, under section 93 or the list provided for by section 94. 3 Edw. VII. c. 19, s. 148, *amended*.

Proper voters' list to be used at an election. 7 Edw. VII. c. 4.

92. For the first election in a new municipality for which there is no assessment roll, the clerk, instead of a voters' list, shall provide every deputy returning officer with a poll book, Form 7, and the deputy returning officer or the poll clerk shall enter in it in the proper column, the name of every person who tenders his vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property in respect of which he claims to be entitled to vote. 3 Edw. VII. c. 19, s. 149.

For first election in new municipality.

93.—(1) Where a district as defined by section 11 has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory

Voters' lists on formation of new corporation, etc.

tory

tory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory or for the new town or village is certified by the Judge, the clerk of the municipality to which the territory was added, and in the case of a new town or village the returning officer shall prepare from the last certified voters' list of the municipality from which such territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such territory if it had not been so detached.

Clerk's  
duties as to  
supplemen-  
tary lists.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. 3 Edw. VII. c. 19, s. 150, *amended*.

Voters' list;  
when clerk  
to prepare.

**94.** In a municipality for which there is an assessment roll, but for which there is no voters' list certified by the Judge, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. 3 Edw. VII. c. 19, s. 151, *amended*.

#### *List of Defaulters in Payment of Taxes.*

Preparation  
of list of  
defaulters.

**95.—**(1) On or before the last Monday in December the treasurer of each local municipality, if the collectors' roll has been returned to him, or the collector, if the roll has not been so returned, shall prepare and verify by his declaration and shall deliver to the clerk an alphabetical list of—

- (a) All persons entered on the first and second parts of the voters' list in respect of income only, who have not paid the taxes on such income on or before the 14th day of December next preceding the election; and,
- (b) In municipalities the councils of which have passed by-laws under paragraph 9 of section 399, all persons entered on the first and second parts of the voters' list, who have not paid all municipal taxes due by them on or before the 14th day of December next preceding the election.

(2) Where a municipality is divided into polling sub-<sup>List to be made for each polling subdivision.</sup>divisions, such a defaulters' list shall be made for each polling subdivision.

(3) The person who prepares the defaulters' list shall <sup>Certified copies to be furnished.</sup>furnish to all persons applying for the same, certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. 3 Edw. VII. c. 19, s. 137.

**96.**—(1) The clerk, before the poll is opened, shall <sup>Delivery of copies of voters' list, poll book and defaulters' list to deputy returning officers.</sup>at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book, Form 7, and also a copy of the proper defaulters' list prepared under section 95 for the polling subdivision. 3 Edw. VII. c. 19, s. 152, *amended*.

(2) The list of voters may be prepared by the clerk or may be procured from the Clerk of the Peace; and in the latter case the Clerk of the Peace shall be entitled to six cents for every ten voters whose names are on the list. 3 Edw. VII., c. 19, s. 153, *amended*. <sup>Copies may be prepared by clerk of municipality or procured from Clerk of Peace.</sup>

#### *Certificates as to the Assessment Roll.*

**97.**—(1) The clerk, before the poll is opened, shall <sup>Clerk to give certificate of dates of final revision of assessment roll, etc.</sup>deliver to every deputy returning officer a certificate, Form 8, of

(a) The date of the final revision of the assessment roll, and

(b) The last day for making complaints to the judge with respect to the voters' list to be used at the election.

(2) The clerk shall also give to any person applying for <sup>Fee for certificate</sup>it a like certificate upon payment of twenty-five cents.

(3) For every contravention of subsection 2 the clerk <sup>Penalty for neglect.</sup>shall incur a penalty of \$200. 3 Edw. VII. c. 19, s. 156 (1-2), *amended*.

#### *In Municipalities not divided into Wards.*

**98.** In municipalities not divided into polling sub-<sup>In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers.</sup>divisions, the clerk shall perform the duties which in other cases are performed by deputy returning officers, and shall provide



provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the final revision of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list; and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. 3 Edw. VII. c. 19, s. 157, *amended*.

*Where and how often electors may vote.*

Number of  
votes which  
may be  
given by  
each elector.

**99.**—(1) An elector shall be entitled to vote,

(a) once only for mayor, controller, reeve, first deputy reeve, second deputy reeve, third deputy reeve, water commissioner and sewerage commissioner;—

(b) where the election is by general vote once only for as many candidates for any office as there are offices to be filled and once only for each of them.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only. 3 Edw. VII. c. 19, s. 158 (1). 6 Edw. VII. c. 35, s. 19, *amended*.

(3) Where the aldermen or councillors are elected by wards an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. 3 Edw. VII. c. 19, s. 158 (3); 6 Edw. VII. c. 35, s. 20, *amended*.

Certificate to  
entitle  
deputy  
returning  
officers, poll  
clerks, and  
agents to  
vote where  
stationed.

**100.**—(1) The clerk, at the request of an elector, who has been appointed deputy returning officer, poll clerk, or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day; and the certificate shall state the property or other qualification in respect of which he is entitled to vote.

Right to  
vote on  
production  
of certificate.

(2) On the production of the certificate such elector shall have the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise

wise

wise be entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote. Certificate only to officials who act.

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk, or in his absence any elector entitled to be present, may administer to the deputy returning officer the oath required by law to be taken by voters. 3 Edw. VII. c. 19, s. 163, *amended*. Who to administer oath.

### THE POLL.

**101.**—(1) The poll shall be opened at every polling place at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day. Time for opening and closing poll.

(2) The council of a city may by by-law passed before the 15th day of November in any year extend the time for keeping open the poll until seven o'clock in the afternoon. 3 Edw. VII. c. 19, s. 128 (4), *amended*. By-law for extension of time.

(3) The votes shall be given by ballot. 3 Edw. VII. c. 19, s. 136.

**102.** The deputy returning officer shall, immediately before opening the poll, shew the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. 3 Edw. VII. c. 19, s. 164, *amended*. Deputy returning officer to shew box empty to persons present and then lock and seal it.

**103.**—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows: Proceedings by deputy returning officer on tender of vote.

(a) Except where there is no voters' list he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision. Name.

(b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and occupation of such person. Recording.

(c)

Objection.

- (c) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," and the name of the candidate by or on behalf of whom the objection was made.

Oath.

- (d) If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book the word "*Sworn*," or "*Affirmed*," according to the fact.

Refusal to take the oath.

- (e) Where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact.

Deputy returning officer to initial ballot paper and mark voters' list.

- (f) After the proper entries have been made in the poll book the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper.

Delivery of to voter.

- (g) The ballot paper shall then be delivered to such person.

Deputy returning officer to explain mode of voting.

- (h) The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the voter, as concisely as possible, the mode of voting.

Penalty.

- (2) The vote of a person who has refused to take the oath shall not be received, and if the deputy returning officer receives such vote, or causes it to be received, he shall incur a penalty of \$200. 3 Edw. VII. c. 19, s. 165, *amended*.

Oaths, etc., of person claiming to vote.

- 104.**—(1) The only oath to be required of a person claiming to vote shall be according to Form 9.

Voter may select any form of oath

- (2) The voter shall be entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it. 3 Edw. VII. c. 19, s. 116, *amended*.

(3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter, except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. 3 Edw. VII. c. 19, s. 117, *amended*.

When and how oaths are to be administered.

**105.** The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. 3 Edw. VII. c. 19, s. 167; 6 Edw. VII. c. 35, s. 21, *amended*.

Deputy returning officer to initial names of persons voting.

**106.**—(1) Upon receiving the ballot paper the person receiving it shall—

Marking ballot paper.

- (a) Forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate;
- (b) Then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;
- (c) Then leave the compartment without delay, and without showing the face of the ballot paper to any one, or so displaying it as to make known how he has marked it; and
- (d) Then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 3 Edw. VII. c. 19, s. 168 (1), *amended*.

Duties of D.R.O. on receipt of ballot.

**107.** While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in a position from which he can see how the voter marks his ballot paper. 3 Edw. VII. c. 19, s. 169.

Exclusion from ballot-ing compartment.

Voter not to  
take his  
ballot paper  
from polling  
place.

**108.** A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and if he leaves the polling place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote he shall thereby forfeit his right to vote and the deputy returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot paper and shall preserve it. 3 Edw. VII. c. 19, s. 170, *amended*.

Proceedings  
in case of  
incapacity to  
mark ballot  
paper.

**109.**—(1) The deputy returning officer on the application of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper, or who makes a declaration, Form 10, that he is unable to read, or where the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 106, the deputy returning officer shall—

(a) In the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box.

(b) Make an entry opposite the name of the voter in the proper column of the poll book, that his vote was marked in pursuance of this section, and of the reason why it was so marked.

Oral declaration.

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally. 3 Edw. VII. c. 19, s. 171, *amended*.

Proceedings  
in case  
ballot paper  
cannot be  
used.

**110.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer shall be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first mentioned ballot paper, and preserve it. 3 Edw. VII. c. 19, s. 172.

What shall  
be deemed  
a tender of  
a vote and  
a voting

**111.** A person who applies for a ballot paper shall be deemed to have tendered his vote; and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the Deputy Returning Officer or Poll Clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. *New.* See 8 Edw. VII. c. 3, s. 110.

**112.** The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and no others, shall be permitted to remain in the polling place during the time the poll is open or at the counting of the votes. 3 Edw. VII. c. 19, s. 173, *amended*. Who may be in polling place.

**113.** In cities in which the aldermen are elected by general vote a candidate shall be entitled to one agent only, and except in such cities a candidate in any municipality shall be entitled to two agents. 3 Edw. VII. c. 19, s. 175, *amended*. Number of agents.

**114.**—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate. Use or delivery of election cards, etc.

(2) Every person who contravenes the provisions of sub-section 1 shall incur a penalty not exceeding \$20. 6 Edw. VII. c. 34, s. 12; 2 Geo. V. c. 40, s. 1. Penalty.

### *Proceedings after the Close of the Poll.*

**115.** Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form:—"I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that ———— was the last person who voted at this polling place," to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. *New.* See 8 Edw. VII. c. 3, s. 113. Counting the votes.

**116.** In counting the votes the deputy returning officer shall reject all ballot papers— What votes to be rejected.

(a) Which have not been supplied by him; or

(b) By which votes have been given for more candidates than are to be elected; or,

(c)

- (c) Upon which there is any writing or mark by which the voter can be identified, or which has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid it or warrant its rejection. *New. See 8 Edw. VII. c. 3, s. 114.*

Objections  
to be noted  
and decided.

**117.**—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate or his agent, and shall decide the objection subject to review on recount or in a proceeding questioning the validity of the election.

Numbering  
objections.

(2) Each objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer. *New. See 8 Edw. VII. c. 3, s. 115.*

Account to  
be kept of  
ballot  
papers.

**118.**—(1) All the ballot papers except those rejected shall be counted, shall be put into a packet, and an account shall be kept of the number of ballots cast for each candidate, and of the number of rejected ballot papers, and the rejected and unused ballot papers shall be put into separate packets.

Each packet  
to be  
endorsed  
and  
sealed.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. *New. See 8 Edw. VII. c. 3, s. 116.*

Statement  
of result to  
be made by  
deputy  
returning  
officer.

**119.**—(1) The deputy returning officer shall make out a statement in duplicate of—

- (a) The number of ballot papers received from the clerk;
- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) The used ballot papers which have not been objected to and have been counted;
- (d) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;
- (e) The rejected ballot papers;

(f)



- (f) The cancelled ballot papers;
- (g) The declined ballot papers;
- (h) The unused ballot papers;
- (i) The number of voters whose ballot papers have been marked by the deputy-returning officer under section 109.

(2) One statement shall be attached to the poll book, and the other shall be enclosed in a special packet and delivered to the clerk.

(3) The statement shall be signed by the deputy return-<sup>Signing of</sup>ing officer and the poll clerk and such of the candidates or <sup>statement.</sup>their agents as are present, and desire to sign it.

(4) The deputy returning officer shall deliver to such <sup>Certificate</sup>of the candidates or their agents as are present, if requested <sup>of result</sup>to do so, a certificate of the number of ballot papers counted <sup>of poll.</sup>for each candidate, and of the rejected ballot papers. *New.*  
*See 8 Edw. VII. c. 3, s. 117.*

**120.** The poll clerk, immediately after the completion <sup>Oath of</sup>of the counting of the votes, shall take and subscribe an <sup>poll clerk.</sup>oath similar to that required by subsection 3 of section 122, to be taken by the deputy returning officer. *New. See*  
*8 Edw. VII, c. 3, s. 119.*

**121.** The poll book, the voters' list, the packets contain-<sup>Poll book,</sup>ing the ballot papers, and all other documents which served at <sup>voters' list</sup>the election, except the duplicate statement shall then be <sup>and packets</sup>placed in the ballot box. *New. See 8 Edw. VII. c. 3, s. 118.* <sup>to be put</sup>  
<sup>in ballot</sup>  
<sup>box.</sup>

**122.**—(1) The deputy returning officer shall then imme-<sup>Delivery of</sup>diately lock and seal the box, and any candidate or agent <sup>ballot box</sup>present may also affix to it his seal and the deputy returning <sup>to clerk.</sup>officer shall then forthwith deliver it personally to the clerk, or if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him, the oath, Form 12. *New. See 8 Edw. VII. c. 3, s. 120 (1).*

Return of  
ballot boxes,  
etc., in cities  
and towns.

(2) In cities and towns, the deputy returning officer, or in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen, shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath, Form 12, and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him. 3 Edw. VII. c. 19, s. 177 (4), *first part amended*.

Oath of  
D.R.O.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath, Form 13, and shall personally deliver it or transmit it by registered post to the clerk. *New*. See 8 Edw. VII. c. 3, s. 120 (2).

Duties of  
clerk as to  
ballot box.

**123.** The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. *New*. See 8 Edw. VII. c. 3, s. 121.

D. R. O. not  
to take  
ballot box to  
his home.

**124.** A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office, or place of business, or to any house or place except the office of the clerk. 3 Edw. VII. c. 19, s. 177 (4), *last part amended*.

Return by  
D. R. O. when  
election in-  
terrupted.

**125.** Where the holding of the election has been interrupted, as mentioned in section 128, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. *New*.

Clerk to cast  
up votes and  
declare  
what candi-  
date is  
elected.

**126.** The clerk, after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate; and at the town hall, or if there is no town hall, at some other public place, at four o'clock in the afternoon in the case of a city having a population of not less than 100,000, and at noon in the case of other municipalities on the day following the return of the ballot papers and statements, shall publicly declare to be elected the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. 3 Edw. VII. c. 19, s. 178, *amended*.

**127.** If, upon the casting up of the votes or upon a recount, two or more candidates have an equal number of votes, the clerk, or other person appointed by by-law to discharge the duties of clerk, whether otherwise qualified or not, shall, at the time he declares the result of the poll, or after receiving the certificate of the result of the recount, as the case may be, give a vote for one or more of such candidates, so as to decide the election. 3 Edw. VII. c. 19, s. 179 (1), *amended*.

In case of a tie clerk to have a casting vote.

*Case of Election not held at Proper Time, etc.*

**128.** If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. 3 Edw. VII. c. 19, s. 184, *amended*. See 8 Edw. VII. c. 3, s. 5.

Election not commenced, or interrupted by reason of riot, etc., to be resumed.

[As to postponement of an election on account of an epidemic or contagious disease, see *The Public Health Act*. 2 Geo. V. c. 58, s. 115.]

RECOUNT.

**129.**—(1) If within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a Judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, and if within that time the applicant deposits with the clerk \$25 as security for the costs in connection with the recount of the candidate declared to be elected, or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount is desirable in the public interest, the Judge may appoint a time and place to recount the votes. 3 Edw. VII. c. 19, s. 189 (3); 6 Edw. VII. c. 35, s. 22, *amended*.

Re-count of votes by County Judge, where ballot papers have been improperly counted or rejected.

(2) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk

Notice to candidates

clerk

clerk, and the clerk shall attend the recount with the ballot boxes and all documents relating to the election.

Who may be present at re-count.

(3) The Judge, the clerk, and each candidate and his agent appointed to attend the recount, but no other person, except with the sanction of the Judge, shall be entitled to be present at the recount.

Opening of packets.

(4) At the time and place appointed, the Judge shall recount all the ballot papers received by the clerk, and shall in the presence of such of the persons entitled to be present as attend, open the sealed packets containing the used ballot papers which were not objected to and were counted; the ballot papers objected to, but which were counted; the rejected ballot papers; the cancelled ballot papers; and the unused ballot papers.

Re-count to be a continuous proceeding.

(5) The Judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the Judge shall place the ballot papers and other documents relating to the election close under his own seal, and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them. 3 Edw. VII. c. 19, s. 189 (5-7), *amended*.

Rules to govern Judge in proceedings.

(6) Subject to subsections 3 and 4 the Judge shall proceed according to the provisions for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll. *New*. See 8 Edw. VII. c. 3, s. 138.

Evidence may be taken.

(7) If for any reason it appears desirable to do so, the Judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers. 3 Edw. VII. c. 19, s. 189 (8), par. 1, *amended*.

Certificate of Judge as to result.

(8) Upon the completion of the recount the Judge shall seal up all the ballot papers in their separate packets, and shall forthwith certify the result to the clerk, who shall then declare elected the candidate having the highest number of votes. 3 Edw. VII. c. 19, s. 189 (8), par. 5, *amended*.

Existing remedies not affected.

(9) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. 3 Edw. VII. c. 19, s. 189 (9).

Costs.

**130.**—(1) The costs of the recount shall be in the discretion of the Judge, who may order by whom, to whom, and in what manner the same shall be paid.

(2) The Clerk of the County or District Court shall tax <sup>Taxing of</sup> the costs and shall, as nearly as may be, follow the tariff of costs of the County Court. *New. See 8 Edw. VII. c. 3, s. 142.*

(3) Where costs are directed to be paid by the applicant, <sup>Deposit, disposal of.</sup> the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary. *New See 8 Edw. VII. c. 3, s. 143.*

(4) Payment of the costs may be enforced by execution, <sup>Recovery of costs.</sup> to be issued from any County or District Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment of them. *3 Edw. VII. c. 19, s. 190 (3).*

### *Secrecy of Proceedings.*

**131.**—(1) Every person in attendance at a polling place <sup>Maintaining secrecy of</sup> or at the counting of the votes shall maintain and aid in main- <sup>proceedings.</sup> taining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with <sup>Interference with voters.</sup> a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

(3) No person shall communicate any information <sup>Communi- cating information as to how voter has voted.</sup> obtained at a polling place as to how a voter at such polling place is about to vote or has voted. *8 Edw. VII. c. 3, s. 160.*

**132.** No person shall, directly or indirectly, induce or at- <sup>Inducing voter to display ballot after marking.</sup> tempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. *8 Edw. VII. c. 3, s. 161.*

**133.** Subject to section 109 a voter shall not show his <sup>Voter not to make marked ballot.</sup> ballot paper, when marked, to any person so as to make known how he voted. *8 Edw. VII. c. 3, s. 163.*

**134.** Every returning officer and every officer, clerk, con- <sup>Oath of secrecy.</sup> stable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy, Form 14. *8 Edw. VII. c. 3, s. 164.*

**135.**—(1) If a returning officer, deputy returning officer <sup>Proceedings where officers aware of secrecy.</sup> or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown Attorney.

Crown  
Attorney to  
prosecute.

(2) The Crown Attorney, on receiving such information from any person, shall forthwith enquire into the matter and, if proper, prosecute the offender. 8 Edw. VII. c. 3, s. 165.

No one com-  
pable to  
disclose his  
vote.

**136.** No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. 3 Edw. VII. c. 19, s. 200.

*General.*

Returning  
officers, etc.,  
wilfully  
falsifying or  
altering list  
of voters to  
incur  
penalty.

**137.** Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year. 8 Edw. VII. c. 3, s. 191, *amended*.

Offences  
relating to  
ballot  
papers.

**138.** Every person who—

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) Without due authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Without authority destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or

(h)

- (h) Being a deputy returning officer, contravenes section 124, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) Being employed to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) Attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section;

if a returning officer, deputy returning officer or other officer engaged in the election, shall be liable to imprisonment for any term not exceeding two years, and, in the case of any other person, to imprisonment for any term not exceeding six months. 8 Edw. VII. c. 3, ss. 174 (1) and 192, *amended*.

**139.**—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a warrant for holding an election, a poll book, voters' list, certificate, affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall incur the like penalty and be subject to the like imprisonment. 8 Edw. VII. c. 3, s. 193, *amended*.

Abettors punishable.

(3) The pecuniary penalty shall be recoverable by action at the suit of His Majesty, and the imprisonment may be directed by the court in which the action is brought. *New*.

Recovery of penalty.

**140.**—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of \$10 in respect of every such ballot paper.

Penalty for D. R. O. omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 115 to 123 shall, for each refusal or neglect, incur a penalty of \$200. 8 Edw. VII. c. 3, s. 194, *amended*.

D. R. O. or poll clerk neglecting duties.



Willfully  
miscounting  
ballots, etc.

**141.** Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 195.

Penalty for  
violating  
secrecy.

**142.** Every person who acts in contravention of sections 131 to 133 shall be liable to imprisonment for any term not exceeding six months. 8 Edw. VII. c. 3, s. 198, *amended*.

Money  
penalty for  
offences.

**143.** Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person who may be aggrieved thereby the sum of \$400. 3 Edw. VII. c. 19, s. 194, *amended*.

#### *Miscellaneous Provisions.*

Candidate  
may under-  
take duties  
of an agent

**144.** A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present; but no candidate shall be present at the marking of a ballot paper under section 109. 3 Edw. VII. c. 19, s. 201, *amended*.

Who may  
administer  
oaths re  
election.

**145.** Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. *New.* See 3 Edw. VII. c. 19, s. 199, *last part*.

Ballot  
papers, how  
disposed of.

**146.**—(1) The clerk shall retain in his possession for one month all the ballot papers, and, unless otherwise directed by an order of a Judge or officer having jurisdiction to enquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

(2) The declaration shall be made before the head of the municipality, and filed in the office of the clerk. 3 Edw. VII. c. 19, s. 188, *amended*.

Ballot  
papers to be  
inspected  
only by  
order of a  
Judge.

**147.**—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a Judge or an officer having jurisdiction to inquire as to the validity of the election.

Grounds for  
granting  
order.

(2) The order may be made on the Judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

(3) The order may be made subject to such conditions as the Judge or officer may deem proper. 3 Edw. VII. c. 19, s. 189 (1-2), *amended*. Order may be subject to conditions.

**148.** Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order shall be evidence that the document relates to the election; and any indorsement appearing on any packet of ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement. 3 Edw. VII. c. 19, s. 192, *amended*. Production of documents and indorsements on ballot papers evidence for certain purposes.

**149.** Where in this Part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidates, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of an agent at such time and place, if it is otherwise duly done, shall not invalidate the act or thing done. 3 Edw. VII. c. 19, s. 202, *amended*. Expressions referring to agents. Non-attendance of agents.

**150.** No election shall be or be declared to be invalid— No election to be invalid for want of compliance with provisions of Act where principles followed and result not affected.

(a) For non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or

(b) By reason of mistake in the use of the prescribed forms; or

(c) By reason of any mistake or irregularity in the proceedings at or in relation to the election;

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. 3 Edw. VII. c. 19, s. 204, *amended*.

**151.** The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. 3 Edw. VII. c. 19, s. 206; 6 Edw. VII. c. 35, s. 24, *amended*. Expenses incurred by officers to be repaid to them.

*Vacancies in Council.*

Seat to become vacant by crime, insolvency, absence, etc. See Mearns vs. Petrolia. 1880, 28, Grant 98.

**152.** The seat of a member of a council shall become vacant if he—

- (a) Is undergoing imprisonment under sentence for a criminal offence; or
- (b) Becomes insolvent within the meaning of any Insolvent Act in force in Ontario; or
- (c) Is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 53 of that Act; or
- (d) Assigns his property for the benefit of his creditors; or
- (e) Absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;

and the council shall forthwith declare the seat to be vacant. 3 Edw. VII. c. 19, s. 207, *amended*.

Proceedings, if disqualified member falls to resign.

**153.** Except in the cases provided for by section 152, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 160 to 179 to declare it vacant. 3 Edw. VII. c. 19, s. 208, *amended*.

Resignation of member with consent of council.

**154.** A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council. 3 Edw. VII. c. 19, s. 210, *amended*.

Resignation of warden.

**155.**—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

Vacancy in office of warden—how filled.

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy, and if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. 3 Edw. VII. c. 19, s. 211, *amended*.

When new election to be held. See Banks v. Letherby, 17 O.L.R. 304.

**156.**—(1) Subject to sections 157 and 158, a new election shall be forthwith held where—

- (a) A person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or

(b)

- (b) A vacancy, except in the office of controller, occurs from any cause.

(2) Where a new election is to be held the head of the council, or if he is absent or unable to act or there is a vacancy in the office, the clerk, or if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do. 3 Edw. VII. c. 19, s. 212, *amended*.

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected the duties which by subsection 2 are to be performed by the head, clerk, or a member of the council shall be performed by the head, clerk, or a member of the council of the next preceding year. 3 Edw. VII. c. 19, s. 213, *amended*.

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election. 3 Edw. VII. c. 19, s. 214, *amended*.

(6) The person elected shall hold office for the residue of the term for which the person whose place he is elected to fill was elected. 3 Edw. VII. c. 19, s. 215.

(7) Notwithstanding that a new election becomes necessary meetings of the council may be held if a majority of the full number of the council is present. 3 Edw. VII. c. 19, s. 213, *last part amended*.

**157.**—(1) Where a vacancy occurs in the office of alderman in a city where aldermen are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed

scribed time, and if he fails to do so or disclaims the office one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.

Candidate having largest assessment to have priority in case of a tie

(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority.

Notice of vacancy.

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice, and that if he fails to make the declarations within that time he shall be deemed to have disclaimed the office.

Failure to take prescribed declarations.

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

Service of notice on candidate.

(5) The notice may be served personally or may be sent by registered letter addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk.

When council to elect person to fill vacancy.

(6) If all the aldermen were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. 3 Edw. VII. c. 19, s. 215a, *amended*.

Vacancy in office of mayor of city after July 1st.

**158.**—(1) Where the office of mayor of a city becomes vacant after the first day of July in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term.

In office of mayor, reeve and deputy reeve in towns and villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

(3)

(3) Where a vacancy occurs in the office of alderman where aldermen are not elected by general vote or of councillor after the first day of November in any year and an election has not been ordered in a judicial proceeding it shall not be necessary that the vacancy be filled if the council so directs. 3 Edw. VII. c. 19, s. 216, *amended*. When vacancy need not be filled.

**159.** Where the electors do not elect the requisite number of members, the members elected if they equal at least one-half of the council when complete or a majority of them or if half of such members were not elected the members for the next preceding year or a majority of them shall elect as many qualified persons as are necessary to constitute or complete the requisite number of members. 3 Edw. VII. c. 19, s. 218, *amended*. Case where electors fail to elect requisite number of members.

## PART IV.

### PROCEEDINGS TO DECLARE SEAT VACANT.

#### *Procedure.*

**160.** In this Part,—

Interpretation.

(a) "Judge" unless the Court is referred to by name shall include a Judge of the High Court and a Judge of a County or District Court; "Judge."

(b) "Master in Chambers" shall include any officer having jurisdiction to sit and act for the Master in Chambers. *New*. "Master in Chambers."

**161.**—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a Judge of the High Court, by the Master in Chambers, or by a Judge of the County or District Court of the county or district in which the municipality is situate. Who may try validity of election or right to deputy reeve.

(2) Where the right of a municipality to a deputy reeve is contested any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. 3 Edw. VII. c. 19, s. 219 (1-2), *redrafted*. Relator—where right to deputy reeve contested.

**162.**—(1) If within six weeks after an election, or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared Time within which proceedings to be instituted and security and proof required.



clared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the Judge or the Master in Chambers, as the case may be, shall give his fiat, authorizing the relator, upon entering into a recognizance as hereinafter provided, and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

Recogniz-  
ance.

(2) The recognizance shall be entered into before the Judge or Master in Chambers granting the fiat or before a commissioner for taking affidavits, by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the Judge or Master in Chambers upon affidavit of justification, each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs which may be adjudged to him against the relator.

Allowance  
of recogniz-  
ance.

(3) When the recognizance has been allowed as sufficient, the Judge or Master in Chambers by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion, the words "*Recognizance allowed*" and shall initial the same.

Proceedings  
—how to be  
entitled.

(4) Where the proceedings are taken before a Judge of the High Court or before the Master in Chambers they shall be entitled in the High Court; and where they are taken before a Judge of a County or District Court they shall be entitled in that Court. 3 Edw. VII. c. 19, s. 220, *redrafted*.

Contents  
of notice  
of motion.

**163.** The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest which he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person, where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. 3 Edw. VII. c. 19, s. 221 (2), *redrafted*.

Affidavits,  
etc., to be  
filed.

**164.** Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. 3 Edw. VII. c. 19, s. 222, *amended*.

Service of  
motion,  
notice of.

**165.** The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow



allow substituted service the Judge or Master in Chambers otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally, unless the person to be served avoids personal service, in which case an order may be made for substituted service. 3 Edw. VII. c. 19, ss. 221 (1) and 223, *amended*.

**166.** Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. 3 Edw. VII. c. 19, s. 224, *amended*.  
Where relator claims that he or another was elected.

**167.** Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. 3 Edw. VII. c. 19, s. 225, *amended*.  
One motion against several persons.

**168.** On the hearing of the motion the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the Judge or the Master in Chambers may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in evidence before him. 3 Edw. VII. c. 19, s. 226, *amended*.  
Hearing of motion.

**169.** Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable, and unless otherwise directed by a Judge of the High Court, shall be heard and determined by the Judge or Master in Chambers before whom the motion, notice of which was first served, is returnable, and one order upon all, or a separate order upon one or more of them may be made, as he may deem proper. 3 Edw. VII. c. 19, s. 227, *amended*.  
Who to hear motions when more than one.

**170.** The Judge or Master in Chambers may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the Judge or Master in Chambers may deem proper. 3 Edw. VII. c. 19, s. 228, *amended*.  
Requiring clerk to attend with rolls, voters' lists, etc.

**171.** Where the motion is returnable before a Judge of the High Court he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of  
Taking of evidence to be used on motion.  
 counsel

counsel for or after notice to all parties interested, before a special examiner or a Judge of a County or District Court, who shall return the evidence so taken to the proper officer of the High Court. 3 Edw. VII. c. 19, s. 229, *amended*.

Returning officer, etc., may be made a party.

**172.**—(1) The Judge or Master in Chambers, at any stage of the proceedings, may

(a) Add the returning officer or any deputy returning officer or other person as a party to the proceedings. 3 Edw. VII. c. 19, s. 230, *amended*.

Person entitled to be a relator may prosecute or defend.

(b) Allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose.

Costs.

(2) An intervening party shall be liable for or entitled to costs like any other party to the proceedings. 3 Edw. VII. c. 19, s. 231, *amended*.

Mode of trial.

**173.**—(1) The Judge or Master in Chambers shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion, and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any Court named by him, or by one or more of those means. 3 Edw. VII. c. 19, s. 232 (1), *amended*.

Evidence of corrupt practice to be taken orally.

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any violation of sections 187 to 189, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the Judge or before a special examiner or a Judge of a County or District Court, upon an order of reference to him for that purpose by the Judge of the High Court, if the motion is returnable before a Judge of the High Court, or before the Master in Chambers or the Judge of the County or District Court if the motion is returnable before him. 3 Edw. VII. c. 19, s. 248, *amended*.

Striking off votes.

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, or if a voter, who is employed on behalf of such candidate and is disqualified under subsection 1 of section 61, is proved to have voted, there shall be struck off the number of votes given for such candidate one vote for every such voter. *New*.

**174.**—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office, and if it is determined that any other person was duly elected that he be admitted forthwith to the office. If election invalid, order for removal from office of person unduly elected, etc.

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last mentioned person and, except as provided by section 157, for the holding of a new election. Order for new election.  
3 Edw. VII. c. 19, s. 233, *amended*.

**175.** Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the Municipality or where there is no clerk to the sheriff of the county or district in which the municipality is situate, who shall have all the powers for causing the election to be held which a municipal council or any member or officer of it has in order to fill a vacancy in it. 3 Edw. VII. c. 19, s. 234, *amended*. Order for new election to be directed to sheriff.

**176.**—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper which was not lawfully received from an elector, the Judge or Master in Chambers may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer. Where election declared invalid owing to refusal to permit qualified persons to vote.

(2) Nothing in this section shall affect any right of action against the returning officer or deputy returning officer or relieve him from any penalty to which he may be liable under this Act. 3 Edw. VII. c. 19, s. 235; 5 Edw. VII. c. 22, s. 10, *redrafted*. Right of action against officers preserved.

**177.**—(1) After the adjudication an order shall be drawn up, stating concisely the ground and effect of the decision. Order.

(2) The order may be at any time amended by the Judge or Master in Chambers in any matter of form, and shall have the same force and effect as a writ of mandamus formerly had in the like case. 3 Edw. VII. c. 19, s. 236, *amended*. Amendment of order.

**178.** The Judge or Master in Chambers forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer. Judgment to be returned to proper officer of court.

officer of the Court, there to remain of record as a judgment of the Court; and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. 3 Edw. VII. c. 19, s. 237, *amended*.

Appeals  
from  
Master in  
Chambers  
or County  
Judge.

**179.**—(1) The decision of a Judge of the High Court shall be final, but an appeal shall lie from the decision or order of the Master in Chambers or of a Judge of a County or District Court to a Judge of the High Court whose decision shall be final.

Procedure  
on appeal.

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master in Chambers in an action or proceeding in the High Court. 3 Edw. VII. c. 19, s. 219 (3), *redrafted*.

Disqualifi-  
cation of  
candidate  
guilty of  
corrupt  
practice.

**180.**—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, shall forfeit his seat, and shall be ineligible as a candidate at any election for two years thereafter. 3 Edw. VII. c. 19, s. 249.

Report to be  
made to  
clerk.

(2) The Judge or Master in Chambers shall report to the Clerk of the Municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. 3 Edw. VII. c. 19, ss. 252, 253, *amended*.

#### *Disclaimer.*

Disclaimer  
before  
election  
complained  
of.

**181.**—(1) Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer signed by him, to the effect following:

“ I, A.B., hereby disclaim all right to the office of  
for the \_\_\_\_\_ of  
\_\_\_\_\_ in the county (or  
district) of \_\_\_\_\_, and all defence of any right I  
may have to the same.  
Dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
A.B.”

3 Edw. VII. c. 19, s. 240, *amended*.

When  
defendant  
may dis-  
claim.

**182.** A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his  
seat

seat, may, within one week after service on him of the notice of motion, transmit by registered post, or deliver, if the proceedings are in the High Court, to the Clerk in Chambers, at Osgoode Hall, Toronto, or if the proceedings are in a County or District Court to the Judge of that Court, and to the relator or his solicitor, a disclaimer signed by him to the effect following:—

"I, A.B., upon whom a notice of motion, in the nature of a quo warranto has been served for the purpose of contesting my right to the office of \_\_\_\_\_ for the \_\_\_\_\_ of \_\_\_\_\_, in the county (or district) of \_\_\_\_\_, hereby disclaim the said office, and all defence of any right I may have to the same.

Dated                      day of                      , 19                      A.B."

3 Edw. VII. c. 19, s. 238, *amended*.

**183.** A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. 3 Edw. VII. c. 19, s. 242, *amended*.

**184.**—(1) A disclaimer in accordance with section 181 or 182 shall operate as a resignation. 3 Edw. VII. c. 19, s. 241, *last part*. Disclaimer to operate as resignation.

(2) A disclaimer in accordance with section 181 shallCosts.  
relieve the person making it from all liability for costs. 3  
Edw. VII. c. 19, s. 241, *first part*.

(3) Costs shall not be awarded against a person disclaim-  
ing under section 182, unless he consented to his nomination <sup>When costs not</sup>  
or accepted the office. 3 Edw. VII. c. 19, s. 243, <sup>to be</sup> *amended*. <sup>awarded.</sup>

RULES OF PRACTICE.

**185.** The Judges of the Supreme Court may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in it, or by Rules of Court, the practice and procedure of the High Court shall be applicable. 3 Edw. VII. c. 19, s. 244, *re-drafted*.

**186.** Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the

seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. 3 Edw. VII. c. 19, s. 244a, amended.

## PART V.

### BRIBERY AND CORRUPT PRACTICES.

Bribery—  
who guilty  
of.

#### 187.—(1) Every person who:—

Bribing  
voter or  
procuring  
bribery by  
money.

- (a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

By gift or  
offer or  
promise of  
employment.

- (b) Directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

To induce  
anyone to  
procure  
return of  
candidate  
or endeavor  
to procure.

- (c) Directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or

Receiving  
bribe to pro-  
cure return  
of candidate.

- (d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or

(e)

- (e) Advances or pays, or causes to be paid, money to or <sup>Advancing money to be</sup> to the use of any other person, with the intent <sup>spent in</sup> that such money or any part of it shall be ex- <sup>corrupt</sup> practiced in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or
- (f) Directly or indirectly, himself or by any other person on his behalf, on account of, and as payment <sup>Applying for money</sup> for voting or for having voted, or for illegally <sup>employment in</sup> agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment <sup>consideration of</sup> for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or
- (g) Before or during an election, directly or indirectly, <sup>Receiving money,</sup> himself or by any other person on his behalf, <sup>office, etc.,</sup> receives, agrees or contracts for any money, gift, <sup>for having</sup> loan or valuable consideration, office, place or <sup>voted.</sup> employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or
- (h) After an election, directly or indirectly, himself or <sup>Receiving money corruptly after</sup> by any other person on his behalf, receives any <sup>election.</sup> money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or
- (i) In order to induce a person to allow himself to be <sup>Giving or</sup> nominated as a candidate, or to refrain from <sup>promising</sup> becoming a candidate, or to withdraw if he has <sup>office to induce</sup> become a candidate, gives or procures any office, <sup>candidate to</sup> place or employment, or agrees to give or procure <sup>stand or</sup> or offers or promises to procure, or endeavours to <sup>withdraw.</sup> procure any office, place or employment for such person, or for any other person,

shall be guilty of bribery, shall be disqualified from voting <sup>Penalty.</sup> at any election for two years, and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding six months.



Personal  
expenses of  
candidates.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 8 Edw. VII. c. 3, s. 167.

Conveying  
voters to  
poll.

**188.**—(1) A candidate who himself or by any other person on his behalf and every other person who:—

(a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

Furnishing  
transporta-  
tion to  
voters.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election.

"Convey-  
ance,"  
meaning of.

(3) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. 8 Edw. VII. c. 3, s. 171.

Undue  
influence.

**189.**—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby com-  
pels

pels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall be disqualified from voting for two years and shall incur a penalty <sup>Penalty.</sup> of \$200, and shall also be liable to imprisonment for any term not exceeding one year.

(2) It shall be a false pretence within the meaning of this <sup>Pretence</sup> section to represent to a voter, directly or indirectly, that the <sup>that ballot</sup> ballot to be used, or the mode of voting at an election, is not <sup>not secret.</sup> secret. 8 Edw. VII. c. 3, s. 173.

**190.** The clerk shall furnish every deputy returning <sup>Posting</sup> officer with at least two copies of sections 187 to 189, and the <sup>of pro-</sup> deputy returning officer shall post the same in conspicuous <sup>visions as</sup> places at the polling place. 3 Edw. VII. c. 19, s. 258, <sup>to corrupt</sup> *amended.* <sup>practices.</sup>

**191.**—(1) No person shall be excused from answering <sup>Witnesses</sup> any question put to him in an action or proceeding touching <sup>not excused</sup> from <sup>from</sup> answering <sup>answering</sup> or concerning an election, or the conduct of any person there- <sup>on grounds</sup> at, or in relation thereto, on the ground of any privilege, or <sup>of privilege,</sup> on the ground that the answer will tend to criminate him, or <sup>etc.</sup> subject him to any penalty under this Act.

(2) No answer given by any person claiming to be excused <sup>Answers of</sup> on the ground of privilege, or on the ground that such answer <sup>witness not</sup> will tend to criminate him or subject him to any penalty <sup>to be used</sup> under this Act, shall be used in any proceeding thereunder <sup>against him</sup> against such person, if the Judge or officer before whom he <sup>if judge</sup> is examined gives to the witness a certificate that he claimed <sup>gives cer-</sup> the right to be excused on either of such grounds, and made <sup>tificate.</sup> full and true answer, to the satisfaction of the Judge. 3 Edw. VII. c. 19, s. 255, *amended.*

*When no penalty recoverable.*

**192.** No pecuniary penalty shall be recoverable for brib- <sup>When pen-</sup> ery or a corrupt practice if it appears that the person charged <sup>alty for</sup> and another person or other persons were together guilty of <sup>corrupt</sup> the act charged, either as giver and receiver, or as accomplices <sup>practice</sup> or otherwise, and that the person charged has previously <sup>not to be</sup> *bona fide* prosecuted such other person or persons or any of <sup>recoverable.</sup> them for the offence; but this provision shall not apply if the Judge before whom the person claiming the benefit of it is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. 3 Edw. VII. c. 19, s. 257, *amended.*

## PART VI.

## MEETINGS OF MUNICIPAL COUNCILS.

*First Meeting of Council.*

First meet-  
ing of  
council.

**193.**—(1) The first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the fourth Tuesday of the same month, at two o'clock in the afternoon. 3 Edw. VII c. 19, s. 259, *amended*.

Declarations  
of office  
before  
business.

(2) No business shall be proceeded with at the first meeting until after the declarations of office and qualification have been made by all the members who present themselves for that purpose. 3 Edw. VII. c. 19, s. 260, *amended*.

When coun-  
cil deemed  
organized.

(3) A council shall be deemed to be organized within the meaning of this Act when the declarations of office and qualification have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. *New*.

Certificate  
of election.

**194.** A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate, Form 15, under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. 6 Edw. VII. c. 35, s. 2, *amended*.

Warden,  
election of.

**195.**—(1) In each year at the first meeting of a county council at which a majority of all the members is present they shall organize as a council and elect one of the members to be warden.

Clerk to  
preside.

(2) The clerk shall preside, or if there is no clerk the members present shall select a member to preside, and the person so elected may vote as a member.

Conduct of  
election.

(3) Subject to subsection 4 and to section 206 the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

Case of  
equality of  
votes.

(4) In case of an equality of votes the reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one the first deputy reeve, of the municipality which for the preceding year had the largest equalized assessment, shall

shall have a second or casting vote. 6 Edw. VII. c. 35, s. 4, *amended*.

### *Place of Meeting.*

**196.** The first meeting of a county council shall be held at the county hall if there is one, and if there is none, at the court house. 3 Edw. VII. c. 19, s. 264. Place of first meeting of county council.

**197.** The subsequent meetings of the county council, and all meetings of every other council shall be held at such place as the council from time to time appoints. 3 Edw. VII. c. 19, s. 265. Subsequent meetings.

**198.**—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality, and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose. Location of county and township offices.

(2) The council of a township shall have the like power in respect of an adjacent urban municipality or township in the same county. 6 Edw. VII. c. 34 s. 13, *redrafted*.

**199.**—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct. Ordinary meetings to be open.

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at such meeting. 3 Edw. VII. c. 19, s. 267, *amended*. Exclusion of certain persons.

**200.**—(1) A majority of the whole number of members required to constitute a council shall be necessary to form a quorum. 3 Edw. VII. c. 19, s. 268. Quorum.

(2) Where a council consists of only five members, the concurrent votes of at least three of them shall be necessary to carry any resolution or other measure. 3 Edw. VII. c. 19, s. 269. Where council consists of five members.

**201.**—(1) The head of the council shall preside at all meetings, and may at any time summon a special meeting; and it shall be his duty to do so when requested in writing by a majority of the members. Head of council to preside.

(2) In the absence of the head of the council or if his office is vacant, a special meeting may be summoned by the clerk upon a requisition signed by a majority of the members. 3 Edw. VII. c. 19, s. 270, *amended*. Special meetings.

Place of  
special  
meetings.

**202.** If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the council expressed by resolution in writing the public interest requires. 3 Edw. VII. c. 19, s 271.

Appointment  
of presiding  
officer in  
absence of  
head.

**203.** In the absence of the head of the council, or if his office is vacant, the council may, from among the members, appoint a presiding officer, who during such absence or vacancy shall have all the powers of the head of the council. 3 Edw. VII. c. 19, s. 272.

Casual  
absence of  
presiding  
officer.

**204.** If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he shall have the same authority as the absent person would have had if present. 3 Edw. VII. c. 19, s. 273.

Head or  
presiding  
officer may  
vote.

Equality  
of votes to  
negative  
question.

**205.** The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions; and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. 3 Edw. VII. c. 19, s. 274.

Voting to  
be open  
and to be  
recorded.

**206.**—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

No vote  
by ballot.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect. 3 Edw. VII. c. 19, s. 274a

Prohibition  
as to member  
voting to  
appoint him-  
self to office.

**207.** No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation; but this shall not apply to allowances for attendance at meetings of the council or its committees. 4 Edw. VII. c. 22, s. 17, *amended*.

Adjourn-  
ment.

**208.** A council may adjourn its meetings from time to time. 3 Edw. VII. c. 19, s. 275.

## PART VII.

## BOARDS OF CONTROL.

**209.**—(1) There shall be a Board of Control for the <sup>Board of Control in City of Toronto.</sup> City of Toronto consisting of the Mayor and four controllers to be elected by general vote. 9 Edw. VII. c. 73, s. 6 (3), *part.*

(2) The council may by by-law fix the salaries of the <sup>Salary.</sup> members of the board, not exceeding for each member \$2,500 per annum. 3 Edw. VII. c. 19, s. 276 (4); 5 Edw. VII. c. 22, s. 11.

**210.**—(1) The council of any city having a population <sup>Board of Control in cities over 45,000 and under 100,000.</sup> of less than 100,000, but more than 45,000, may by by-law provide for the election by general vote of four controllers, who with the Mayor shall constitute the Board of Control.

(2) The by-law shall not, nor shall a by-law repealing it, <sup>Assent of electors required.</sup> be passed until it has received the assent of the municipal electors. 9 Edw. VII. c. 73, s. 7.

(3) The council may by by-law fix the salaries of the mem- <sup>Salary.</sup> bers of the board, not exceeding for each member \$1,500 per annum.

**211.** During the absence of the Mayor or if there is a <sup>Presiding officer to act in absence of mayor.</sup> vacancy in the office the person appointed as presiding officer of the council shall act as a member of the Board. *New.*

**212.**—(1) Three members of a Board of Control shall <sup>Quorum.</sup> form a quorum, and the Mayor shall preside at the meetings of the board, and in his absence the members shall appoint <sup>Mayor to preside.</sup> one of their number to preside. 3 Edw. VII. c. 19, s. 276 (3), *amended.*

(2) If a vacancy occurs in the office of controller the <sup>Filling vacancies.</sup> council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. 3 Edw. VII. c. 19, s. 276 (5), *part.*

**213.**—(1) It shall be the duty of the Board of Control: <sup>Duties of Board.</sup>

(a) To prepare an estimate of the proposed expenditure <sup>To prepare estimates.</sup> of the year and certify it to the council for its consideration.

(b) To prepare specifications for and award all con- <sup>To award contracts.</sup> tracts and for that purpose to call for all tenders for

for works, material and supplies, implements, machinery, or other goods or property required and which may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting.

To inspect municipal works.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress.

To nominate officers of corporation.

(d) To nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks.

To suspend or dismiss.

(e) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council.

Estimates of Board to bind council except on two-thirds vote.

(2) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition shall not extend to the payment of any debenture or other debt or liability of the corporation.

Head of department to be present when tenders are opened.

(3) When opening tenders the board shall require the presence of the head of the department or sub-department with which the subject matter of them is connected, and when requisite the presence of the city solicitor.

Discussion as to tenders.

(4) The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

Reversal by council of action of board.

(5) The council shall not, without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than the one to whom the board has awarded it.

Appointment of head of department on nomination of board.

(6) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause (d) of subsection 1, without a two-thirds vote.



(7) Where a head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote.

Two-third  
vote of  
council to  
reinstate  
head of  
department  
dismissed.

(8) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses (d) and (e) of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

Controlling  
appointment  
and duties  
of subordinate  
officers.

(9) The board may submit proposed by-laws to the council.

Submission  
of by-laws,  
etc.

(10) The board, where in its opinion it is desirable, may amalgamate departments or sub-departments.

Amalgama-  
tion of  
departments.

(11) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

Secretary  
of Board.

(12) The council may by by-law or resolution assign to the board such other duties as the council may deem proper.

Other duties  
assigned by  
council.

(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession which the council may require.

Copies of  
minutes,  
when to be  
furnished to  
council.

(14) The council may refer back to the board any report, nomination, question or matter for reconsideration.

Referring  
back matter  
for recon-  
sideration.

(15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

Recording  
votes on  
action of  
board.

(16) The public, the high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board whose estimates are to be provided for, shall furnish to the Board on or before the first day of March in each year their annual estimates.

School  
Boards to  
send in  
estimates.

(17) Clause (d) of subsection 1 shall not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of

Certain  
officers not  
to be  
nominated  
by Board.

a corporation on the board of which the council is entitled to elect a representative, or to a member of the Court of Revision.

Powers of head of department before 7th April, 1896.

(18) Nothing in this section shall deprive a head of a department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.

Exclusive rights of Board.

(19) Notwithstanding anything in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9. 3 Edw. VII. c. 19, s. 277, *redrafted*.

## PART VIII.

### OFFICERS OF MUNICIPAL CORPORATIONS.

#### THE HEAD.

Who to be head of council.

**214.** The warden of a county, the mayor of a city or town, and the reeve of a village or township, shall be the head of the council and the chief executive officer of the corporation. 3 Edw. VII., c. 19, s. 278, *amended*.

Duties of head of council.

**215.** It shall be the duty of the head of the council to,

- (a) Be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) Oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) Communicate from time to time to the council such information, and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 3 Edw. VII., c. 19, s. 279, *redrafted*.

Remuneration of head.

**216.** The head of the council of a county and of an urban municipality may be paid such annual or other remuneration as the council may determine. 3 Edw. VII., c. 19, s. 280.

**217.** The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. 3 Edw. VII., c. 19, s. 281, *amended*. Mayor may call out posse comitatus.

#### THE CLERK.

**218.** Every council shall appoint a clerk, whose duty it shall be: Appointment of clerk, and his duties.

- (a) To truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) If required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) To keep the books, records and accounts of the council;
- (d) To preserve and file all accounts acted upon by the council;
- (e) To keep in his office or in the place appointed for that purpose, the originals of all by-laws, and of all minutes of the proceedings of the council; and
- (f) To perform such other duties as may be assigned to him by the council. 3 Edw. VII., c. 19, s. 282, *redrafted*.

**219.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in the next preceding section and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists, poll books, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the corporation, to any applicant on payment at the rate of ten cents for every hundred words, or at such lower rate as the council may fix. Minutes, etc., to be open to inspection. Copies to be furnished, and charges therefor, etc.

(2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the corporation, may be filed and used in any Court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature. Documents certified by clerk to be receivable in evidence.

ture or official character of the person appearing to have signed the same, and without further proof, unless the Court otherwise directs. 3 Edw. VII. c. 19, s. 284, *amended*.

Provision  
for absence,  
etc., of  
clerk.

**220.** Where the clerk is absent or incapable through illness of performing his duties, the council may by resolution provide that some other person, to be named in the resolution or to be appointed under the hand of the clerk, shall act in his stead and the person so appointed shall have all the powers of the clerk. 3 Edw. VII., c. 19, s. 283, *amended*.

Returns to  
be made to  
Bureau of  
Industries.

**221.**—(1) The clerk of every local municipality shall in each year, within one week after the final revision of the assessment roll, make a return to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, of such statistics or information as the assessment roll or other records of his office afford, and the forms call for; and every such return shall be transmitted by registered post.

Penalty.

(2) For every contravention of this section, the clerk shall incur a penalty not exceeding \$40.

Tabulated  
statement of  
returns to  
be made by  
secretary of  
Bureau.

(3) The secretary shall cause to be prepared a tabulated statement of the returns which the Minister of Agriculture shall lay before the Assembly. 3 Edw. VII. c. 19, s. 285 (1-4), *redrafted*.

### THE TREASURER.

Treasurer to  
be appointed.

**222.**—(1) Every council shall appoint a treasurer, who may be paid either by salary or by a percentage, and may also appoint a deputy treasurer to act in the absence of the treasurer or in case of a vacancy in the office.

To give  
security.

(2) The treasurer and the deputy treasurer, before entering on the duties of their offices, shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into their hands.

Annual  
inquiry as to  
sufficiency  
of.

(3) It shall be the duty of every council, in every year, to inquire into the sufficiency of the security given by the treasurer, and to cause to be entered in its minutes the result of the inquiry. 3 Edw. VII., c. 19, s. 288, *amended*.

Appointment  
of county  
treasurer  
pro tem.

**223.**—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary, a

treasurer

treasurer *pro tempore*, who shall hold office until the next meeting of the council; and all acts authorized by the warrant which are performed by him shall be as valid and binding as if performed by a treasurer.

(2) The warden shall, by the warrant, direct what security shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made. 3 Edw. VII., c. 19, s. 289, *amended*. Security to be given by.

**224.**—(1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct. To receive and take care of and disburse moneys, etc.

(2) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed. When member of council may be paid for work.

(3) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. 3 Edw. VII., c. 19, s. 290, *amended*. His liability limited.

**225.** The treasurer shall open an account in the name of the corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all money received by him on account of the corporation, and he shall keep the money of the corporation entirely separate from his own money. 3 Edw. VII. c. 19, s. 291 (5). Treasurer to open account in name of corporation.

**226.** Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation; and in local municipalities which have passed by-laws requiring it to be done, shall, on or before the 20th day of December in each year, prepare and transmit to the clerk a list of all persons who have not paid their municipal taxes on or before the 14th day of that month. 3 Edw. VII., c. 19, s. 292, *amended*. Half-yearly statement of assets. Annual list of persons in default for taxes.

[As to delivery by registrars to treasurers of cities, duplicate plans or maps of surveys or subdivisions of land in cities or towns, see *Registry Act*, 10 Edw. VII. c. 60, s. 88.]

Returns to  
be made to  
Bureau of  
Industries.

**227.**—(1) The treasurer of every local municipality shall, on or before the first day of April in each year, transmit by registered post to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, such information or statistics regarding the finances or accounts of the corporation as the forms call for.

Penalty.

(2) For every contravention of this section the treasurer shall incur a penalty not exceeding \$40.

Tabulated  
statement of  
returns.

(3) The Secretary shall cause to be prepared a tabulated statement of the returns, which the Minister of Agriculture shall lay before the Assembly. 3 Edw. VII., c. 19, s. 293 (1-2), *amended*.

Treasurer  
making pay-  
ments to  
other muni-  
cipalities to  
send state-  
ments to  
head.

**228.**—(1) Every Treasurer, on or before the 7th day of January in each year, shall transmit by registered post to the head of every municipality to whose treasurer he has made any payment during the year ended on the 31st day of the next preceding December, a statement signed by him setting forth every such payment and the date of it. 3 Edw. VII., c. 19, s. 294a (1), *redrafted*.

Statements  
to be read  
to council  
and de-  
livered to  
auditors.

(2) The head of the municipality shall cause every such statement received by him to be read at the next meeting of the council after the receipt of it, and to be delivered to the auditors before the audit of the accounts for the year to which the statement relates. 3 Edw. VII., c. 19, s. 294a (2), *redrafted*.

Provision  
on dismissal  
from office.

**229.** Where a treasurer is removed from office, or absconds, the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation which may have been deposited by the treasurer to his credit. 3 Edw. VII., c. 19, s. 294, *amended*.

#### ASSESSORS AND COLLECTORS.

Assessors  
and collec-  
tors, appoint-  
ment of.

**230.**—(1) The council of every local municipality shall annually appoint as many assessors and collectors for the municipality as may be deemed necessary.

When ap-  
pointments  
to be made.

(2) The appointment shall be made as soon as practicable after the organization of the council.

Regulations  
as to duties  
of.

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties.

(4)

(4) In a city, town or township the same person may be appointed assessor or collector for more than one ward or polling subdivision. Extent of jurisdiction

(5) A member of the council or the clerk or treasurer of the municipality shall not be appointed assessor or collector. Who not to be assessor or collector

(6) The collector of a municipality, the council of which has passed a by-law requiring the taxes to be paid on or before the 14th day of December, shall, on the 15th day of December in each year, return, upon oath, to the treasurer the names of all persons who have not paid their taxes. Returns as to tax defaulters.  
3 Edw. VII., c. 19, s. 295, *redrafted*.

**231.**—(1) The council of a city or town, instead of appointing assessors, may appoint an assessment commissioner, who, in conjunction with the mayor, shall appoint such assessors as may be necessary, and the assessment commissioner and the assessors shall constitute a board of assessors, and shall have all the powers and perform all the duties of assessors appointed under the next preceding section. Assessment Commissioner in cities and towns.

(2) The council of a city or town, having a population of less than 20,000, may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it shall not be necessary to appoint assessors. Duties of, in certain cities and towns.  
3 Edw. VII. c. 19, s. 296 (1); 6 Edw. VII., c. 34, s. 15, *redrafted*.

(3) It shall not be necessary to appoint the assessment commissioner, assessors or collectors of a city annually. Tenure of office.

(4) In a city or town which has an assessment commissioner, all notices in matters relating to assessment which in other municipalities are required by this or any other Act to be given to the clerk shall be given to the assessment commissioner. Notices.  
3 Edw. VII., c. 19, s. 296 (3-4), *amended*.

[As to delivery by registrars to assessment commissioners in cities on request, of duplicate plans or maps of every survey or subdivision of lands therein, and the furnishing of lists of absolute conveyances, see 10 Edw. VII., c. 60, ss. 88 and 100.]

#### AUDITORS AND AUDIT.

**232.**—(1) Subject to sections 233 and 240, every council shall, at its first meeting in every year, appoint two auditors. Auditors.

(2)



Disqualifica-  
tion for  
office of.

(2) No person who is or during the next preceding year was a member of the council, or the clerk or treasurer of the municipality, or who has, or during the next preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor.

Case of  
county  
auditor  
refusing  
to act.

(3) If a person appointed auditor for a county refuses, or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. 3 Edw. VII. c. 19, s. 299, *amended*.

Appointment  
of auditors  
in November  
or December.

**233.** The council of any municipality may provide that the auditors shall be appointed in November or December in each year for the next succeeding year, and thereafter while the by-law remains in force the council shall appoint the auditors in accordance with its terms, instead of at its first meeting. 3 Edw. VII., c. 19, s. 301 (1), *amended*.

Duty of  
auditors.

**234.**—(1) The auditors appointed under section 233 shall, at the end of every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word "audited," and initial it. 3 Edw. VII. c. 19, s. 302, *amended*.

(2) The auditors appointed under section 233 shall also perform the duties of auditors appointed under section 232 with respect to the accounts and transactions of the year in which they are appointed. *New*.

Auditors  
may ad-  
minister  
oaths.

**235.** An auditor may administer an oath to any person concerning any account or other matter to be audited. 7 Edw. VII. c. 40, s. 6.

Filling  
vacancies.

**236.** Where an auditor of a city dies, or resigns, or his office becomes vacant from any cause, the council may fill the vacancy, and the person appointed shall hold office for the remainder of the year for which the original appointment was made. 3 Edw. VII. c. 19, s. 303, *amended*.

Duties of  
auditors.

**237.**—(1) The auditors appointed under section 232 shall examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction for the year ended on the 31st day of December preceding their appointment.

(2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a detailed statement in duplicate of the same for the next preceding year in such form as the council may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the detailed statement to the Secretary of the Bureau of Industries, and shall file the other abstract, the other detailed statement, and their reports, in the office of the clerk not later than the 1st day of March.

To prepare  
abstract and  
detailed  
statement of  
receipts and  
expenditure,  
etc.

(3) Where the auditors are appointed under section 233, or where they have been required to make their audit under the provisions of section 240, the abstract, statements, and reports mentioned in subsection 2, shall be, with respect to the year for which they are appointed, and shall be made and filed within one month after the expiry of that year and the auditors shall be deemed to continue in office during that period for the purpose only of preparing and filing such statements and reports.

(4) For every contravention of subsection 2 or 3, an auditor shall incur a penalty not exceeding \$40.

(5) A resident of the municipality may inspect the abstract, statements and reports at all reasonable hours, and may, by himself or his agent, at his own expense, make a copy of or extracts from them. 3 Edw. VII. c. 19, s. 304 (1-2), *redrafted*.

Inspection  
of  
abstract,  
statement,  
etc.

(6) The auditors of every municipality shall also make a report upon the condition and sufficiency of the securities of the treasurer; and such report shall show what cash balance, if any, was due from the treasurer to the corporation at the date of the audit, and where it is deposited and what security there is that the same will be available when required; but this shall not relieve the council from the performance of the duty imposed by section 222. 3 Edw. VII. c. 19, s. 304 (3); 7 Edw. VII. c. 40, s. 7, *amended*.

Report on  
treasurer's  
sureties.

(7) The clerk shall publish the abstract, statements and reports in such form as the council may direct; and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office. 3 Edw. VII. c. 19, s. 306.

Clerk to  
publish  
abstracts  
and state-  
ments.

(8) The auditors may make a written requisition upon the treasurer for a request to any bank or company with which the money is or has been deposited, or with which the treasurer has kept an account, to exhibit the account and details

Inspection  
of books of  
bank or  
company.

details thereof to them; and it shall be the duty of the treasurer, within twenty-four hours after the delivery to him of such requisition, to comply with it.

Publication  
of state-  
ments of  
assets and  
liabilities.

(9) The council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last 15 days of the next preceding year.

Publication  
of state-  
ments.

(10) The statements shall be signed by the head of the council and by the treasurer, and shall be published.

Posting up  
statements.

(11) Instead of publishing the statements the council may cause them to be posted up, not later than the 24th day of December, in the office of the clerk and of the treasurer, at all post offices, and at not less than 12 other conspicuous places in the municipality.

Delivery of  
copies to  
electors.

(12) The clerk shall procure to be printed not less than one hundred copies of the statements, and shall deliver or transmit by post one of them to every elector who requests him to do so, not later than the 24th day of December in each year, and shall also see that copies of the statements are produced at the nomination meeting.

Subsections  
9-12 not  
to apply  
to certain  
municipali-  
ties.

(13) The next preceding four subsections shall not apply to a township municipality in a provisional judicial district, or in the electoral district of North Renfrew, or in the Provisional County of Haliburton.

Making un-  
true entries  
in financial  
statement.

(14) A member of a council or an officer of a corporation, or any other person, who knowingly makes or causes or procures to be made, any untrue entry in the statements, or who knowingly omits or causes to be omitted from them anything which should be included, shall incur a penalty of not less than \$5 or more than \$40. 3 Edw. VII., c. 19, s. 304 (4) and (6-10), *redrafted*.

Audit of  
accounts be-  
fore pay-  
ment.

**238.** The council of a city or town may provide that all accounts shall be audited before payment. 3 Edw. VII. c. 19, s. 305.

The council  
to audit  
finally, etc.

**239.** The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and where charges are not regulated by law, the council shall allow what is reasonable. 3 Edw. VII. c. 19, s. 307.

**240.** Instead of appointing two auditors annually as provided by section 232, the council may by by-law provide for the appointment of one or more auditors to hold office during pleasure, who shall daily or otherwise examine, audit and report on the accounts of the corporation. 3 Edw. VII. c. 19, s. 309, *amended*. Auditors appointed as permanent officers.

**241.** The Treasurer of Ontario shall retain in his hands any money payable to a corporation, if it is certified to him by the Secretary of the Bureau of Industries that any officer of the corporation whose duty it is to make returns to the Bureau has not done so. 3 Edw. VII., c. 19, s. 304 (5). Money payable by Province to be retained if returns not made.

#### DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

**242.**—(1) Every person elected as a member of the council of a township or as trustee of a police village, before he takes the declaration of office or enters upon his duties, shall make and subscribe a declaration of qualification, Form 2. 3 Edw. VII. c. 19, s. 311 (1), *first part*. Declaration of qualification.

(2) Every member of a council, trustee of a police village, every water commissioner, commissioner of industries and sewerage commissioner, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall also make and subscribe a declaration of office, Form 16. Declaration of office.

(3) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them. 3 Edw. VII. c. 19, s. 312; 6 Edw. VII. c. 35, s. 29, *redrafted*. Declaration of person appointed to more than one office.

(4) Every returning officer, deputy-returning officer, poll clerk, constable and other election officer, before entering upon the duties of his office, shall make and subscribe a declaration, Form 17. Declaration of returning officers and others.

(5) Where by this Act any oath or declaration is required to be made by a deputy-returning officer, or by a poll clerk, and no special provision is made therefor, the same, in the case of a deputy-returning officer, may be made before the returning officer for the municipality or ward, or before the poll clerk, or before any person authorized to administer an oath; and, in the case of a poll clerk, before any such person, or before the deputy-returning officer. 3 Edw. VII. c. 19, s. 313, *redrafted*. Administration of oaths to deputy returning officers and poll clerks.

Auditor's  
declaration.

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration, Form 18. 3 Edw. VII. c. 19, s. 314, *amended*.

(7) Except where otherwise provided the person by whom the oath or declaration is made shall file the same in the office of the clerk within 8 days after it is made. 3 Edw. VII., c. 19, s. 317, *redrafted*.

Certain offi-  
cers may  
administer  
certain  
oaths.

**243.** Except where otherwise expressly provided, in addition to the persons authorized by law to administer an oath, the head of a council, a controller, an alderman, a reeve, or the clerk of a municipality may, within the municipality, administer an oath, or take any declaration under this Act, or relating to the business of the corporation. 3 Edw. VII. c. 19, s. 316, *redrafted*.

Penalty for  
refusing to  
accept office  
or take  
declaration,  
etc.

**244.** Every qualified person duly elected to be a member of a council, a trustee of a police village, or a water commissioner, or a sewerage commissioner, and every person appointed as assessment commissioner, commissioner of industries, assessor or collector, who refuses the office to which he has been elected or appointed, or does not, within twenty days, after knowing of his election or appointment, make and file the declaration of office and in the case of a member of the council of a township or of a trustee of a police village, the declaration of qualification and every person authorized to take any such declaration, who, upon reasonable demand, refuses to take it, shall incur a penalty of not less than \$8, or more than \$80, which, when recovered, shall be paid over to the corporation. 3 Edw. VII. c. 19, s. 319; 6 Edw. VII. c. 35, s. 30, *redrafted*.

#### SALARIES, TENURE OF OFFICE AND GRATUITIES.

Salaries of  
officers.

**245.**—(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it.

Remunera-  
tion of  
clerk for  
certain ser-  
vices.

(2) The council shall give to the clerk, for services and duties performed by him, under *The Ditches and Water-courses Act*, a fair and reasonable remuneration, to be fixed by the council.

Fees for  
copies of  
awards, etc.

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration. Remuneration not to be settled by tender.

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation shall have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not so remunerated, if the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. When municipality employing solicitor at a salary may recover costs. 3 Edw. VII. c. 19, s. 320, *redrafted*.

**246.** All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act, or by by-law of the council. Tenure of office. Duties. 3 Edw. VII. c. 19, s. 321, *amended*.

**247.** A council may grant to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, a sum not exceeding the aggregate of his salary or other remuneration for the next preceding three years of his service, as a gratuity upon his ceasing to hold the office. Gratuities. 3 Edw. VII. c. 19, s. 322, *amended*.

#### INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS.

**248.**—(1) Where the council of a municipality passes a resolution requesting a Judge of the County or District Court of the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, the Judge shall make the inquiry, and shall for that purpose Investigation by County Judge of charges of malfeasance.

3 Edw. VII.  
c. 8.

purpose have all the powers which may be conferred upon Commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Fees payable  
to judge.

(2) The Judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging  
Counsel.

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust, or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. 3 Edw. VII., c. 19, s. 324, *amended*; 2 Geo. V., c. 40, s. 2.

## PART IX.

### GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

#### JURISDICTION—NATURE AND EXTENT.

Jurisdiction  
of councils

**249.**—(1) Except where otherwise provided, the jurisdiction of every council shall be confined to the municipality which it represents and its powers shall be exercised by by-law. 3 Edw. VII. c. 19, s. 325, *amended*.

By-law not  
to be  
quashed  
because un-  
reasonable

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. *New*.

General  
power to  
make regu-  
lations.

**250.** Every council may pass such by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act, as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members, and the calling of meetings. 3 Edw. VII. c. 19, s. 326, *redrafted*.

Council a  
continuing  
body.

**251.** Proceedings begun by one council may be continued and completed by a succeeding council. *New*.



**252.** The council of a local municipality shall not, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do. 3 Edw. VII. c. 19, s. 328, *amended*.

Certain acts not to be done by councils after 31st December.

**253.**—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license. *New*.

Power to license includes power to prohibit.

(2) Except where the power of fixing the sum to be paid for the license is expressly conferred on a Board of Commissioners of Police, the Council of the Municipality, where by this or any other Act the Council or the Board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it may, subject to the limitations contained in the Act, fix the sum to be paid for the license and the time for which it shall be in force and may provide for enforcing payment of the license fee.

Who to fix amount of license fee.

(3) The license fee may be in the nature of a tax for the privilege conferred by it. 3 Edw. VII. c. 19, s. 329, *redrafted*.

License fee may be a tax.

(4) The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under any of the powers conferred upon a council or a Board of Commissioners of Police by this Act, or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any Court. 3 Edw. VII. c. 19, ss. 486a and 583, par. 28, *part redrafted*.

Discretion as to granting or refusing a license.

(5) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted. 3 Edw. VII. c. 19, s. 583, par. 28, *part amended*.

**254.** Subject to section 255, and to section 7 of *The Ferries Act* and to section 8 of *The Ontario Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade.

Granting monopolies prohibited.

trade, calling, or business, or impose a special tax on any person exercising it, or require a license to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling, or business. 3 Edw. VII. c. 19, s. 330, *amended*.

Exclusive  
right to  
maintain  
waste paper  
boxes on  
streets.

**255.**—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain for any period not exceeding ten years, iron waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

Location  
of boxes.

(2) The location of the boxes shall be subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted, and the collections therein removed, to the satisfaction of the city engineer, and as often as he may direct. 4 Edw. VII. c. 22, s. 6, *amended*.

Cold  
storage  
business

**256.** The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. 3 Edw. VII. c. 19, s. 331a, *amended*.

Borrowing  
powers.

**257.**—(1) Subject to the limitations and restrictions contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor. *New*.

(2) A debt contracted by the corporation of a city for the construction or maintenance of a street railway shall not be included as part of its debt for the purpose of determining whether the limit of its borrowing power as fixed by any special Act has been reached. 2 Geo. V. c. 40, s. 12, *redrafted*.

#### AUTHENTICATION OF BY-LAWS.

How by-  
laws to be  
authenticated.

**258.**—(1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council, or by the presiding officer at the meeting at which the by-law was passed, and by the clerk.

Proof of  
seal or  
signature  
not re-  
quired.

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all Courts without proof of the seal or signature. 3 Edw. VII. c. 19, s. 333, *amended*.

(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law shall be as valid and effectual as if it had been originally sealed. *New.*

Omission to  
affix seal.

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all Courts, without proof of the seal or signature. 3 Edw. VII. c. 19, s. 334, *amended.*

Certified  
copy to  
by-law.

#### CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW.

**259.**—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk, or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed. 3 Edw. VII. c. 19, s. 337a; 4 Edw. VII. c. 22, s. 7, *redrafted.*

Certificate  
of clerk  
that appli-  
cation for  
by-law duly  
signed.

(2) For the purposes of this section, the clerk and the assessment commissioner shall have all the powers of the clerk under section 16 of *The Local Improvement Act.* *New.*

(3) Where the clerk or assessment commissioner has so certified, his certificate shall be conclusive that the application was sufficiently signed. *New.*

### PART X.

#### VOTING ON BY-LAWS.

**260.** In this Part,

Interpreta-  
tion.

- (a) "By-law" shall include a resolution and a question upon which the opinion of the electors is to be obtained.
- (b) "Electors" shall mean the persons entitled to vote on the by-law.
- (c) "Judge" shall mean Judge or Junior Judge of the County or District Court of the county or district in which the municipality, the council of which submits the by-law, is situate.
- (d) "Proposed by-law" shall mean a by-law submitted for the assent of the electors. *New.*

**261.** This Part shall be subject to the provisions of *The Liquor License Act. New.*

**262.** All the provisions of this Act prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils shall apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. 10 Edw. VII. c. 85, s. 3.

Bribery sections, etc., to apply to voting on any by-law or question.

**263.**—(1) Where a by-law requires the assent, or is submitted to obtain the opinion, of the electors; except where otherwise provided, the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken, and a deputy-returning officer to take the votes at every such place. 3 Edw. VII. c. 19, s. 338, *par. 1, first part amended.*

If a by-law requires the assent of the electors, mode of obtaining same.

(2) The date appointed shall not be less than three, or more than five, weeks after the first publication of the notice hereinafter mentioned. 3 Edw. VII. c. 19, s. 338, *par. 1, last part.*

Date of taking vote.

(3) A proposed by-law may be submitted on the day of the annual election, and, where it is to be so submitted, the by-law for taking the vote shall provide that the voting shall take place at the same time and at the same places as the annual election, and it shall not be necessary to appoint separate deputy-returning officers to take the vote. 4 Edw. VII. c. 22, s. 8.

Submitting by-law at annual election.

Time and place for summing up votes by clerk, etc.

(4) The by-law for taking the vote shall also appoint a time when, and a place where, the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the by-law or voting in the affirmative or the negative on the question. 3 Edw. VII. c. 19, s. 341, *redrafted.*

Publication of by-law.

(5) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration

consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law stating that a tenant who desires to vote must deliver to the clerk not later than the seventh day before the day appointed for taking the vote the declaration provided for by subsection 2 of section 265.

(6) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the annual election, and, in that case, shall state that the votes will be taken at the annual election, and shall also state the day appointed for persons to attend at the polling places and at the final summing up of the votes by the clerk. 3 Edw. VII. c. 19, s. 338. *Pars. 2 and 3 redrafted.*

(7) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest, or the instalments, if the debt is to be paid by instalments. *New.* See R. S. Man., c. 116, s. 376 (b).

(8) Where more money by-laws than one are submitted at the same time, they may be all placed upon one ballot paper. *One ballot for several by-laws.* 10 Edw. VII. c. 85, s. 4.

**264.**—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed, and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting, the proposed by-law, or voting in the affirmative on the question, and a like number on behalf of the persons interested in, and desirous of opposing, the proposed by-law, or voting in the negative on the question. 3 Edw. VII. c. 19, s. 342, *amended.*

(2) Before any person is so appointed, he shall make and subscribe a declaration. Form 19. 3 Edw. VII. c. 19, s. 343, *amended.*

(3) A person so appointed, before being admitted to the polling place, or to the summing up of the votes, shall, if requested, produce and show his appointment to the deputy-returning officer. 3 Edw. VII. c. 19, s. 344, *amended.*

When elec-  
tor may  
act.

(4) In the absence of a person so appointed, or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy-returning officer, a declaration Form 20 may be present at a polling place, or at the final summing up of the votes, as the case may be. 3 Edw. VII. c. 19, s. 345, *amended*.

Persons  
qualified to  
vote on  
money by-  
laws.

**265.**—(1) The persons qualified to vote on a money by-law shall be those entitled to vote at an election with the following exceptions:—

(a) Tenants, other than those mentioned in sub-section 3.

(b) Farmers' sons.

(c) Income voters.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 266 is to be prepared or in the case provided for by section 94 would, had it been a male person, have been entitled to be entered on such list of voters, shall also be qualified to vote. *New. See* 3 Edw. VII, c. 19, s. 353 (1).

Qualifica-  
tion of  
tenants.

(3) A tenant, whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk not later than the tenth day before the day appointed for taking the vote, a declaration, under *The Canada Evidence Act*, so stating, shall be entitled to have his name entered on the list of voters prepared by the clerk, under section 266. 3 Edw. VII. c. 19, s. 354 (1) *redrafted*; 2 Geo. V. c. 40, s. 3.

R.S.C. c. 45.

Appoint-  
ment of  
nominee of  
corporation  
to be filed  
with clerk.

(4) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law it shall not later than the tenth day before the day appointed for taking the vote file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. *New.*

[*As to electors qualified to vote on local option by-laws. See* 1 Geo. V. c. 64, s. 21.]

**266.**—(1) Where the proposed by-law is a money by-law<sup>Preparation of list of voters.</sup> or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 267 and to section 24 of *The Ontario Voters' Lists Act*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, except in the case of a local option by-law where he is not at the time of the taking of the vote thereon, and has not been for the three months before that time a *bona fide* resident of the municipality, and that no person not named therein is entitled to vote.

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 94 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

(3) When the voting is to take place at the same time as the annual municipal elections, it shall be sufficient in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law," and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.<sup>Designating tenants entitled to vote.</sup>

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. *New.* See 1 Geo. V. c. 57, s. 4.<sup>Clerk to certify.</sup>

**267.**—(1) At any time not later than five days before the day appointed for taking the vote, a Judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk, or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongly entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list, or who, if a tenant, though he had not made the declaration prescribed by subsection 2 of section 265, establishes that he has the qualification prescribed by that section.<sup>Revision of list by judge.</sup>



Proof of  
death.

(2) For the purpose of proving a death, the certificate of the Registrar-General, or of the Division Registrar, shall be sufficient evidence, but if the identity of the person who is dead with the person whose name is sought to be struck off is disputed, or open to reasonable doubt, proof of the identity shall be required. *New.*

7 Edw. VII.  
c. 4.

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of *The Ontario Voters' Lists Act*. *New.*

Voters' list  
where all  
municipal  
electors  
vote.

**268.** Where all the municipal electors are entitled to vote on the proposed by-law the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists shall be as final and conclusive as to the right to vote as when used at a municipal election. *New.*

Where rate-  
payers qual-  
ified in more  
than one  
ward.

**269.** In a municipality divided into wards, a voter shall be entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but shall not be entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law, or other authority under which the vote is taken. 3 Edw. VII. c. 19, s. 355, *amended*.

Clerk not to  
have casting  
vote.

**270.** The clerk, if otherwise qualified, shall be entitled to vote, but not to give a casting vote. 3 Edw. VII., c. 19, s. 365, *amended*.

Form of  
ballot  
papers.

**271.** The ballot papers shall be according to Form 20 when the voting is on a by-law, and according to Form 21 when it is on a question. 3 Edw. VII. c. 19, s. 340.

[*As to Form of local option ballot papers see 8 Edw. VII. c. 54, s. 10.*]

Directions  
to voters.

**272.** The printed directions to voters shall be according to Form 22. 3 Edw. VII. c. 19, s. 352.

Voter's oath  
where all  
municipal  
electors  
vote.

**273.**—(1) Where all the municipal electors are entitled to vote the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote. *New.*

Voter not  
entitled to  
select form  
of oath.

(2) In the case of a money by-law a voter shall not be entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification

as a freeholder or tenant, as it appears in the list of voters.  
*New.*

**274.** Except as otherwise in this Part provided, Part III <sup>Application</sup> shall apply *mutatis mutandis* to voting on a bylaw. *New.* <sup>of part 3.</sup>  
*See 3 Edw. VII. c. 19, s. 351.*

**275.** After the clerk has summed up the number of votes <sup>Clerk to</sup> cast he shall declare the result of the voting and shall forth- <sup>certify</sup> with certify to the council the number of votes cast for and <sup>result to</sup> against the by-law. 3 Edw. VII. c. 19, s. 364, *last part* <sup>council.</sup>  
*amended.*

**276.** Subject to section 278, a by-law shall be deemed to <sup>Assent of</sup> have been assented to by the electors if a majority of the <sup>electors,</sup> votes cast is in favour of the by-law. *New.* <sup>what deemed</sup> <sup>to be.</sup>

**277.** Where the by-law is proposed to be passed by a <sup>Procedure</sup> county council the proceedings shall be similar to those in <sup>in case of</sup> the case of a by-law proposed to be passed by the council of a <sup>a county</sup> local municipality except that the list of voters for each local <sup>by-law.</sup> municipality shall be prepared by the clerk of it and not by the clerk of the county council, and that the declaration provided for by subsection 2 of section 265 shall be filed with the clerk of the local municipality. *New.*

### *Requisites of Bonus By-laws.*

**278.**—(1) In the case of a by-law for granting a bonus <sup>Vote re-</sup> in aid of a railway, or to a waterworks or water company, <sup>quired to</sup> or for taking stock in, or for lending money to, or for guar- <sup>validate</sup> anteeing the payment of money borrowed by a railway com- <sup>bonuses to</sup> pany, the assent of one-third of all the persons entitled to vote, <sup>waterworks</sup> as well as of a majority of all those voting shall be necessary. <sup>co., etc.</sup>  
3 Edw. VII. c. 19, s. 366 (1), *amended.*

(2) Subject to subsection 3, in the case of a by-law for <sup>To manu-</sup> granting a bonus in aid of a manufacturing industry, the <sup>facturing</sup> affirmative vote of three-fourths of all the members of the <sup>industries.</sup> council and the assent of two-thirds of the electors who vote on the by-law shall be necessary. 3 Edw. VII. c. 19, s. 366a (1), *first part* and (4) *redrafted*; 2 Geo. V. c. 40, s. 4.

(3) In the case of a by-law for granting a bonus for the <sup>To iron</sup> promotion of iron works, rolling mills, works for refining or <sup>works, grain</sup> smelting ore or for the establishment of grain elevators, or <sup>elevators,</sup> in aid of a beet sugar factory the assent of one-third of all the <sup>etc.</sup> persons entitled to vote, as well as of a majority of those voting shall be necessary. 3 Edw. VII., c. 19, s. 700, cl. (a)  
*amended.*

Statement  
by clerk.

(4) In the cases provided for by subsections 1 and 3 of this section the clerk shall add to the prescribed certificate of the result of the voting, a statement of the total number of persons entitled to vote upon the by-law. *New.*

### *Scrutiny.*

Scrutiny  
may be had  
on applica-  
tion to  
County  
or District  
Judge.

**279.**—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the Judge directs, may apply to a Judge of the County of District Court of the county or district in which the municipality is situate for a scrutiny of the votes, and if it is shewn by affidavit that there are reasonable grounds for the application, and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the Judge and to be allowed by him, in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect, and to pay to any person to whom costs may be awarded, the costs awarded to him, the Judge may order a scrutiny of the votes to be had, and shall appoint a time and place, within the municipality, for proceeding with it. 3 Edw. VII., c. 19, s. 369, *redrafted.*

Notice of  
time of  
scrutiny.

(2) At least one week's notice of the time and place appointed, shall be given by the applicant to such persons as the Judge directs, and to the clerk. 3 Edw. VII., c. 19, s. 370, *amended.*

**Proceedings.**

(3) At the time and place appointed, the clerk shall attend before the Judge with the ballot papers, and the Judge after hearing such evidence as he may deem necessary, and the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine whether the by-law has been assented to as required by this Act, and shall forthwith certify the result to the council. 3 Edw. VII., c. 19, s. 371.

Striking off  
votes for  
corrupt  
practices.

(4) Where it is proved that any person interested in, and promoting or opposing the by-law, was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, or if any person who is disqualified under subsection 1 of section 61 from voting at an election or is disqualified under clause (a) of section 396, is proved to have voted there shall be struck off the number of votes given for the by-law, if the person guilty or so disqualified was promoting the by-law, or given against the by-law if the person guilty or so disqualified was opposing the by-law, one vote for every ballot cast by such voter. *New.*

(5) The Judge shall have the like power and authority as <sup>Powers of Judge.</sup> to all matters arising upon the scrutiny, as would be possessed by him upon a trial of the validity of the election of a member of a council, but shall not have power to set aside the <sup>Costs.</sup> voting on the ground of general bribery or corrupt practices; and the costs shall be in the discretion of the Judge, who may direct by whom, to whom, and in what manner they shall be paid. 3 Edw. VII. c. 19, s. 372, *redrafted*.

(6) The decision of the Judge shall be final and not sub-<sup>No appeal.</sup>ject to appeal. *New*.

### *Passing By-laws by Council.*

**280.**—(1) Where a proposed by-law, which the council <sup>Cases in which council must pass by-law assented to by electors.</sup> has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the by-law, within six weeks after the voting took place.

(2) In other cases it shall not be incumbent on the council to pass the by-law, but if the council determines to pass <sup>Discretion of council in other cases.</sup> it, it shall be passed within six weeks after the voting took place and not afterwards. 3 Edw. VII. c. 19, s. 373, *redrafted*.

(3) The by-law in either case shall not be passed until <sup>Time within which by-law cannot be passed.</sup> the expiration of two weeks after the result of the voting has been declared, or if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the Judge.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it <sup>Time occupied by scrutiny not to be counted.</sup> shall not be reckoned as part of the six weeks. 3 Edw. VII. c. 19, s. 374, *redrafted*.

### *Promulgation of By-laws.*

**281.**—(1) The promulgation of a by-law shall consist in the publication of a true copy of it, with a notice, Form 23, <sup>Promulgation of by-laws.</sup> appended thereto, at least once a week for three successive <sup>Publication.</sup> weeks. 3 Edw. VII. c. 19, s. 375, *redrafted*.

(2) If an application to quash the by-law, or part of it, <sup>If not moved against within the time limited to be valid.</sup> is not made within three months after the first publication, the by-law, or so much of it as is not the subject of, or is not quashed upon any such application, shall be valid and binding, according to its terms, so far as the same ordains, prescribes or directs anything within the proper competence of the council. 3 Edw. VII. c. 19, s. 377, *amended*.

## PART XI.

## QUASHING BY-LAWS.

**Interpretation.** **282.** In this Part "by-law" shall include an order or resolution. *New.*

**Proceedings to quash by-law.** **283.**—(1) The High Court, upon application of a resident of the municipality, or of a person interested in a by-law of its council, may quash the by-law, in whole or in part, for illegality.

**Service of notice.** (2) Notice of the application shall be served at least seven days before the return day of the motion. 3 Edw. VII. c. 19, s. 378 (1-2), *redrafted*.

**Recognizance.** (3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf, shall enter into a recognizance before a Judge of the County or District Court of the county or district in which the municipality is situate, himself in the sum of \$50, and two sureties each in the sum of \$50, conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the applicant.

**Allowance of recognizance.** (4) The Judge may allow the recognizance upon the sureties making proper affidavits of justification, and after it is allowed, the recognizance with the affidavits shall be filed in the Central Office of the High Court.

**Deposit in court in lieu of recognizance.** (5) In lieu of the recognizance, the applicant may pay into Court \$100, and the certificate of the payment into Court shall be filed in the Central Office.

**Application of deposit.** (6) After the determination of the proceedings, the Judge may order that the money paid into Court be applied in payment of costs, or be paid out to the applicant. 3 Edw. VII. c. 19, s. 378 (4-7), *redrafted*.

**Quashing by-law for corrupt practice.** **284.** A by-law, in respect of the passing of which a violation of any of the provisions of sections 187 to 189 has taken place, may be quashed. 3 Edw. VII. c. 19, s. 381, *amended*.

**Application to quash by-law affecting another municipality.** **285.**—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal, in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

**No security required from municipality.** (2) Where the application is made by a municipal corporation, security for costs shall not be required. 3 Edw. VII. c. 19, s. 378a, *redrafted*.

(3) Where the application is based upon an allegation of inquiry by a violation of any of the provisions of sections 187 to 189, <sup>county or district Judge where corrupt practices alleged.</sup> either alone or in conjunction with any other ground of objection, the High Court may direct an inquiry as to the alleged violation to be had before a special examiner or a Judge of the County or District Court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

(4) After the completion of the inquiry, the special examiner or the Judge shall return the evidence taken before <sup>Return of evidence to officer of High Court.</sup> him to the proper officer of the High Court, and the same may be read in evidence upon the motion to quash. 3 Edw. VII. c. 19, s. 382 (1) and (2), *first part redrafted.*

(5) Where an order, directing an inquiry, under sub-<sup>No act to be done under by-law pending inquiry.</sup> section 3, has been made, and a copy of it has been left with the clerk of the municipality, nothing shall be done under the by-law unless the High Court otherwise orders, until the application is disposed of. 3 Edw. VII. c. 19, s. 383, *redrafted.*

(6) In other cases the Court may direct that nothing shall be done under the by-law until the application is disposed of. *New.*

**286.** An application to quash, in whole or in part, a by-law which has not been promulgated or registered under the provisions of section 296, shall not be entertained unless the application is made within one year after the passing of the by-law, unless it required the assent of the electors, and had not been submitted for, or had not received their assent; but in that case an application may be made at any time. 3 Edw. VII. c. 19, s. 379, *redrafted.* <sup>Time for making application to quash. Exception.</sup>

## PART XII.

### MONEY BY-LAWS.

**287.**—(1) In this Part "Debt" shall include liability and the borrowing of money. *New.*

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include income and business assessment as defined by *The Assessment Act*. 3 Edw. VII. c. 19, s. 383a, *amended.* <sup>"Debt."</sup> <sup>"Rateable property."</sup>



## Recitals.

**288.**—(1) A money by-law shall recite:Amount to  
be raised  
annually;

- (a) The amount of the debt intended to be created, and, in brief and general terms, the object for which it is to be created;

The value of  
the rateable  
property;

- (b) The amount of the whole rateable property of the municipality according to the last revised assessment roll, or, in the case of a county, the last revised and equalized assessment rolls of the local municipalities of which the county is composed;

Amount of  
existing  
debt.

- (c) The amount of the debenture debt of the corporation, and how much (if any) of the principal or interest is in arrear. 3 Edw. VII. c. 19, s. 384 (10), *redrafted*.

When  
debentures  
to be made  
payable.

- (2) The whole debt and the debentures to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued.

- (a) If the debt is a bonus in aid of a railway or for the promotion of iron works, rolling mills or works for refining or smelting ores, or is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years. 3 Edw. VII. c. 19, s. 384 (4); 4 Edw. VII. c. 22, s. 9; *part redrafted*.

- (b) If the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years. 3 Edw. VII. c. 19, s. 559 (4a) *part*;

- (c) If the debt is for the purchase of road-making machinery and appliances, in five years. 3 Edw. VII. c. 19, s. 640, par. 10b;

- (d) If the debt is for any other purpose, the whole debt, and the debentures to be issued therefor, shall be made payable in twenty years. 3 Edw. VII. c. 19, s. 384 (4), *part redrafted*.

Amounts  
to be raised  
annually.

- (3) Where the principal of the debt is made payable at a fixed date with interest payable annually or semi-annually, the by-law shall provide for the raising in each year during the currency of the debentures, or of any set of them, of—

(a)



(a) A specific sum, sufficient to pay the interest on the debentures, or on any set of them, when, and as it becomes due; and

(b) A specific sum, which, with the estimated interest, at a rate not exceeding 4 per cent. per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when, and as it becomes due. 3 Edw. VII. c. 19, s. 384 (5) and (8), *redrafted*.

(4) Instead of the principal being made payable at a fixed date, with interest, payable annually or semi-annually, the by-law may provide that the principal and the interest shall be combined, and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures are to run, or that, without combining the principal and interest, the instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same. 3 Edw. VII. c. 19, s. 386 (1-3), *redrafted*.

(5) In the cases provided for by subsection 4, the by-law shall provide for raising in each year in which an instalment becomes due, a specific sum sufficient to pay it when and as it becomes due. 3 Edw. VII. c. 19, s. 386 (2), *redrafted*.

(6) In the case of a by-law heretofore or hereafter passed, the council may by by-law, without the assent of the electors, authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*; and where any debentures issued under the by-law have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may cancel them, and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 7 Edw. VII. c. 40, s. 8, *redrafted*.

(7) All the debentures shall be issued at one time and within two years after the passing of the by-law, unless because of the proposed expenditure for which the by-law is intended to provide being estimated or intended to extend over a number of years, and it being undesirable to have large portions of the money in hand unused and uninvested

vested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts, and at such times, as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 10 Edw. VII. c. 85, s. 5, *part*.

Date of  
debentures.

(8) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date. *New*.

Extension of  
time for  
issue.

(9) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(10) The extension may be made, although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. 10 Edw. VII. c. 85, s. 5, *part redrafted*.

Day when  
by-law to  
take effect.

(11) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. 3 Edw. VII. c. 19, s. 384 (2), *redrafted*.

Assent of  
electors,  
when re-  
quired.

**289.**—(1) Except where otherwise provided by this or any other Act, a corporation shall not incur any debt the payment of which is not provided for in the estimates for the current year, unless a by-law of the council authorizing it has been passed with the assent of the electors.

Exceptions.

(2) Subsection 1 shall not apply to a by-law passed

(a) Under section 290; or

(b) Under *The Local Improvement Act*; or

(c) By the council of a city or county where the city forms part of the county for judicial purposes, for raising money for erecting, rebuilding, enlarging or furnishing the court house and offices to be used in connection therewith and the gaol and for acquiring such land as may be necessary or convenient for those purposes; or

(d) By the council of a city or a separated town for raising such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration. 3 Edw. VII. c. 19, s. 389; 9 Edw. VII. c. 73, s. 13, *redrafted*; or

(e)

- (e) By the council of a city with the approval of the Municipal Board for raising such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream which constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be raised for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000. 3 Edw. VII. c. 19, s. 388*a*, amended; or
- (f) By the council of any municipality, with the approval of the Municipal Board, for raising such sum as is required to pay the share ordered to be paid by the corporation of the cost of any work constructed under the order of the Board of Railway Commissioners of Canada or of the Municipal Board or of any work or improvement which, in the opinion of the Municipal Board, has been rendered necessary or expedient, owing to the construction of any work ordered by either of the boards. 9 Edw. VII. c. 73, s 12; 10 Edw. VII. c. 85, s. 6, redrafted; or
- (g) By the council of an urban municipality for raising such sum as may be required for the purchase of a site in the municipality for an armoury or drill-shed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council. 3 Edw. VII. c. 19, s. 534, par. 4, *last part*; or
- (h) By the council of a county for guaranteeing debentures of a local municipality; *New*; or
- (i) By the council of a town or village for purchasing fire engines, appliances, apparatus and appurtenances as provided by paragraph 1 of section 407; or
- (j) For borrowing money for any of the purposes mentioned in section 43 or 44 of *The Public Schools Act*, or section 38 of *The High Schools Act*, or subsection 3 of section 7 of *The Continuation Schools Act*; *New*, or

(k)

- (k) For borrowing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto. 3 Edw. VII. c. 19, s. 587, par 9, *amended*, or
- (l) Under paragraph 11 of section 483. 3 Edw. VII. c. 19, s. 640, par 10b.
- (m) For borrowing any sum or incurring any debt, which under the provisions of *The Public Health Act* may be borrowed or incurred without the assent of the electors.

Contracts  
for supply  
of a public  
utility.

(3) A municipal corporation may enter into any contract for the supply of a public utility as defined by *The Public Utilities Act*, to the corporation or to the inhabitants thereof for any period not exceeding 10 years in the first instance and for renewing such contract from time to time for further periods not exceeding 10 years at any one time if a by-law setting forth the terms and conditions of such contract has been first submitted to and has received the assent of the municipal electors in the manner provided by *The Municipal Act*.

(4) Subsection 3 shall come into force and take effect as from the 15th day of April, 1913.

Special  
power of  
county to  
borrow.

**290.**—(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum which the council is by this Act or any other Act expressly authorized to borrow without the assent of the electors. 3 Edw. VII. c. 19, s. 388, *amended*; 2 Geo. V. c. 40, s. 5.

Passing of  
by-law.

(2) Subject to subsection 3 the by-law shall be passed at a meeting specially called for the purpose of considering it, and held not less than six weeks after the first publication of a notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed. 8 Edw. VII. c. 48, s. 5.

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. *New*.

When  
rate of  
interest  
may be  
increased.

**291.** Where, owing to an advance in the rate of interest between the passing of a money by-law heretofore or hereafter passed, and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of, except at a discount involving a substantial reduction in the amount required to be provided, the council may, with the approval  
of

of the Municipal Board, and without submitting the same for the assent of the electors, pass a by-law to amend the first-mentioned by-law, by providing for an increased rate of interest, and for a corresponding increase in the amount to be raised annually. 4 Edw. VII. c. 22, s. 11.

**292.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law, when part only of money raised.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due, or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect. 3 Edw. VII. c. 19, s. 391, *redrafted*.

**293.** Subject to the next preceding section, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source; and shall not alter any such by-law, so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation which has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed. 3 Edw. VII. c. 19, s. 392, *redrafted*.

**294.** Any officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, shall incur a penalty not exceeding \$100. Penalty for neglect of officer to carry out by-law. 3 Edw. VII. c. 19, s. 393, *redrafted*.

**295.**—(1) The council of a municipality which has heretofore passed or shall hereafter pass a money by-law, or a by-law imposing a special assessment or a special rate under this or any other Act, the holder of any debenture issued under any such by-law or any person entitled to receive any of such debentures or of the proceeds of the sale thereof, may apply to the Municipal Board for a certificate approving the by-law. Application for approval of by-law by municipal Board.

(2) A certificate shall not be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or until thirty days after the final passing of the by-law, unless notice of the application shall be given in such manner and Certificate not to be granted while proceedings pending.

to such persons, if any, as the Board may direct. 8 Edw. VII. c. 51, s. 3; 10 Edw. VII. c. 86, s. 1.

Board may grant certificate upon proof of substantial compliance with law.

(3) The Board may grant the certificate notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, or where the by-law has been amended by the council to conform with the provisions of the Act under the authority of which it was passed, and except in the case provided for by section 291, the burden on the ratepayers is not increased by the amending by-law, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with. 8 Edw. VII. c. 51, s. 4; 9 Edw. VII. c. 76, s. 1.

By-law and debentures not to be open to question after approval.

(4) Every by-law approved by the Board and the debentures issued or which may thereafter be issued in substantial conformity with its provisions, shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court. 8 Edw. VII. c. 51, s. 5.

Approval of debentures.

(5) Where a by-law has been approved the Board may also approve the debentures issued or which may thereafter be issued under the authority of the by-law, and every debenture so approved shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law and the validity of any debenture so approved shall not be open to question in any court. 8 Edw. VII. c. 51, s. 6.

(6) The certificate may be in the following form:

Form of certificate.

"In pursuance of *The Municipal Act, 1913*, the Ontario Railway and Municipal Board hereby certifies that the within by-law (or debenture) is valid and binding, and that its validity is not open to be questioned in any court on any ground whatever.

Dated

Chairman."

(Seal.)

8 Edw. VII. c. 51, s. 7.

#### REGISTRATION OF MONEY BY-LAWS.

Money by-laws to be registered.

**296.**—(1) Within four weeks after the passing of a money by-law the clerk shall register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them. 3 Edw. VII. c. 19, s. 396 (1), *redrafted*.

(2)



(2) A clerk who neglects to perform within the pre-Penalty. scribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period not exceeding twelve months, as the Court may direct. 3 Edw. VII. c. 19, s. 396 (6) *redrafted*.

(3) Notice, Form 24, of the registration of every such by-law, except a by-law which has received the assent of the electors, or a by-law mentioned in subsection 4 shall immediately after its registration be published at least once a week for three successive weeks. 3 Edw. VII. c. 19, s. 397, *amended*. Publication of notice.

(4) It shall not be obligatory to register a by-law for the issue of debentures, passed under *The Municipal Drainage Act*, or under *The Local Improvement Act*. 3 Edw. VII. c. 19, s. 398, *amended*. Exception as to certain by-laws. 10 Edw. VII. c. 90. 1 Geo. V. c. 58.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice, an application or action to quash the by-law is made to or brought in a Court of competent jurisdiction, and a certificate under the hand of the proper officer of the Court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months. 3 Edw. VII. c. 19, s. 399 (1), *redrafted*. Application to quash registered by-law—when to be made.

(6) If the application or action is dismissed, in whole or in part, a certificate of the dismissal may be registered and at the expiration of three months from the date of the registration of the by-law, the by-law, or so much of it as is not quashed, shall be valid and binding, according to its terms. 3 Edw. VII. c. 19, s. 399 (3), *amended*. When by-law, or so much thereof as is not quashed, to be valid.

(7) Nothing in this section shall make valid a by-law, which requires, but has not received, the assent of the electors or a by-law, where it appears on the face of it that any of the provisions of subsections 2, 3, 4 and 6 of section 288 have not been substantially complied with. 3 Edw. VII. c. 19, s. 399 (6), *redrafted*. Illegal by-laws not validated.

(8) Failure to register a by-law as prescribed by this section shall not invalidate it. *New*.



## PART XIII.

## YEARLY RATES AND ESTIMATES.

**297.**—(1) Subject to subsection 13 of section 397, the council of every municipality shall in each year assess and levy on the whole rateable property within the municipality, a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year, but shall not assess and levy in any year more than two cents in the dollar on the assessed value of such property according to the last revised assessment roll, exclusive of school and local improvement rates.

Yearly rates to be levied, sufficient to pay all debts payable within the year.  
Limit of rates.

Where aggregate rates insufficient.

(2) If the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation, and the principal and interest of such debts exceeds the rate mentioned in subsection 1, the council shall assess and levy such further sum as may be necessary to discharge such debts, but shall not contract any further debt until the annual rates are reduced to that rate. 3 Edw. VII. c. 19, s. 402, *redrafted*.

Estimates to be made annually.

**298.**—(1) The council of every municipality shall, in each year, prepare estimates of all sums required for the purposes of the municipality during such year, making due allowance for the cost of collection, and for the abatement of taxes and for taxes which may not be collected. 3 Edw. VII. c. 19, s. 404, *amended*.

By-laws for levying rates.

(2) One by-law or several by-laws for assessing and levying the rates may be passed as the council may deem expedient. 3 Edw. VII. c. 19, s. 405, *redrafted*.

If the amount collected falls short.

Estimates may be reduced.

**299.**—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them. 3 Edw. VII. c. 19, ss. 406 and 407, *amended*.

When sums collected exceed estimate.

(2) Where the amount collected exceeds the estimates, the surplus shall form part of the general funds, and shall be at the disposal of the council, unless otherwise specially appropriated. 3 Edw. VII. c. 19, s. 408, *first part*.

Rates to be due on January 1st

**300.** The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. 3 Edw. VII. c. 19, s. 409, *amended*.

## PART XIV.

### RESPECTING FINANCES.

#### ACCOUNTS AND INVESTMENTS.

**301.** Every council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained, and appropriated for payment of it. 3 Edw. VII. c. 19, s. 417, *amended*.

Accounts, how to be kept.

**302.**—(1) If, in any year, after paying the interest, and appropriating the necessary sum to the sinking fund, or in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund, or in payment of the principal.

Application of surplus money.

(2) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation.

Moneys levied for a sinking fund not to be diverted.

(3) If the council applies any of such money in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any Court of competent jurisdiction.

Liability of members for diversion of sinking fund.

(4) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Action by ratepayer.

(5) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Disqualification.

(6) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund, shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

Statement of Treasurer as to amount required for sinking fund.

(7) For every contravention of subsection 6, the treasurer shall incur a penalty not exceeding \$25.

Penalty.

(8)

Penalty where council neglects to levy for sinking fund

(8) If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. 3 Edw. VII. c. 19, s. 418, *redrafted*.

Investment of sinking fund.

**303.** Subject to the provisions of sections 304 and 305, the council shall invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act*, or with the approval of the Municipal Board in any debentures of the corporation, 3 Edw. VII. c. 19, s. 420 (1); 5 Edw. VII. c. 22, s. 16, *redrafted*.

Redemption of debentures with sinking fund.

**304.** The Municipal Board, on the application of a council, may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall, from time to time, be applied to the redemption of any of the debentures, to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board, at such value as may be agreed on by the council and the holders of the debentures. 3 Edw. VII. c. 19, s. 419, *redrafted*.

Payment of sinking fund into Provincial Treasury.

**305.**—(1) A council may provide by a money by-law that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of Ontario, and if the by-law does not provide for such payment the council may pass a by-law providing therefor.

Treasurer may allow interest on funds in his hands.

(2) Where a council avails itself of the right conferred by the next preceding subsection, the Treasurer of Ontario may receive from the treasurer of the municipality the annual amounts so levied on account of the sinking fund and allow and credit the municipality with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Moneys so received to form part of Consolidated Revenue.

(3) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

Sinking fund may be invested in the debentures to be redeemed.

(4) The Treasurer of Ontario may invest the amount at the credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer. 8 Edw. VII. c. 51, s. 8.

(5) The amount payable in any year into the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any court of competent jurisdiction. 8 Edw. VII. c. 51, s. 9.

Amount payable into sinking fund to be a debt to the Treasurer.

**306.** Every corporation the council of which shall hereafter pass a money by-law shall within thirty days after the final passing of the by-law transmit a certified copy of it to the Treasurer of Ontario. 8 Edw. VII. c. 51, s. 10; 9 Edw. VII. c. 76, s. 2.

Debenture by-laws to be sent to Provincial Treasurer.

**307.** Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the council in each year in which a sinking fund is required to be raised shall transmit to the Treasurer of Ontario a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund theretofore collected, which return shall be verified by the affidavit or statutory declaration of the head and the treasurer of the municipality. 8 Edw. VII. c. 51, s. 11; 9 Edw. VII. c. 76, s. 3.

Annual return as to sinking fund.

**308.** A corporation the council of which does not comply with the provisions of the next two preceding sections shall incur a penalty not exceeding \$100. 8 Edw. VII. c. 51, s. 12.

Penalty.

**309.**—(1) Where a corporation has surplus money derived from "The Ontario Municipalities Fund," or from any other source, the council may set it apart for educational purposes and may invest it as well as any other money held by the corporation for, or appropriated by it to such purposes, in the securities mentioned in section 303, or may lend the same to any board of public school trustees in the municipality for such term and at such rate of interest as may be agreed upon, or may apply any part of such money in aid of poor school sections in the municipality. 3 Edw. VII. c. 19, s. 423 (1) and 424, *redrafted*.

Certain moneys may be set apart for educational purposes. Investment of same.

**310.** The council of a township may apportion, among the public school sections in the township, the principal or interest of any investments for public school purposes, according to the salaries paid to the teachers, or the average

Apportionment of public school moneys among school sections in townships.

attendance

attendance of pupils in the respective school sections during the next preceding year, or according to the assessed value of the property in the section, or by an equal division among the sections. 3 Edw. VII. c. 19, s. 424a, *redrafted*.

No member  
of council  
to be  
party to  
investment.

**311.** A member of a council shall not take part in, or be a party to, the investment of any such money, otherwise than as authorized by this Act; and, if he does so, he shall be personally liable for any loss sustained by the corporation in respect of the investment. 3 Edw. VII. c. 19, s. 425, *redrafted*.

Council to  
make annual  
report of  
debts to  
Provincial  
Treasurer.

**312.**—(1) Every corporation shall, on or before the 31st day of January in each year, transmit to the Secretary of the Bureau of Industries in such form as may be prescribed by the Lieutenant-Governor in Council a statement as to the debts of the corporation, as they stood on the preceding 31st day of December, specifying, in regard to each debt of which any part remained unpaid on that day.

- (a) The original amount of the debt;
- (b) The date when it was contracted;
- (c) The time fixed for its payment;
- (d) The interest payable;
- (e) The amount to be raised annually for the payment of the debt and interest, or the instalments of them;
- (f) The amount actually raised in the year ended on the 31st day of December;
- (g) The part (if any) of the debt redeemed or paid during that year;
- (h) The amount of interest (if any) unpaid on that day; and
- (i) The amount of principal still unpaid. 3 Edw. VII. c. 19, s. 427, *redrafted*.

Penalty.

(2) For every contravention of subsection 1, the corporation shall incur a penalty not exceeding \$40. *New*.

## COMMISSION OF INQUIRY INTO FINANCES.

**313.**—(1) The Lieutenant-Governor in Council, on the application of one-third of the members of a council or of thirty municipal electors, may issue a commission to inquire into the financial affairs of the corporation and any matter connected therewith and the commissioner shall have all the powers which may be conferred on commissioners appointed under *The Public Inquiries Act*. When a commission of inquiry may issue.

(2) The expenses of and incidental to the execution of the commission shall be determined and certified by the Treasurer of Ontario, and shall thereupon become a debt due by the corporation to the commissioner, payable within three months after demand therefor. 3 Edw. VII. c. 19, s. 428, *redrafted*. Expenses of commission.

## DEBENTURES.

**314.**—(1) A debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council, or by some other person authorized by by-law to sign it, and by the treasurer. Debentures, how to be executed.

(2) A debenture may have coupons for the interest attached to it which shall be signed by the treasurer, and his signature to them may be written, stamped, lithographed or engraved. Execution of coupons.

(3) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the corporation at a discount. 3 Edw. VII. c. 19, s. 429, *redrafted*. Full amount of debentures sold at a discount recoverable.

**315.** Where the interest for one year or more on the debentures issued under a by-law heretofore or hereafter passed and the principal of any debenture which has matured has been paid by the corporation the by-law and the debentures issued under it shall be valid and binding upon the corporation. 3 Edw. VII. c. 19, s. 432. Debentures on which payment has been made for one year, to be valid.

**316.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:— Mode of transfer may be prescribed.

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the Corporation at the of ."

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate

Debenture  
registry  
book.

certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture, except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Registered  
debentures  
transferred  
by entry, etc.

(3) After a certificate of ownership has been endorsed the debenture shall be transferable only by entry by the treasurer or his deputy in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. 3 Edw. VII. c. 19, s. 434, *amended*.

Borrowing  
by hypothecation  
of  
debentures.

**317.**—(1) A council, pending the sale of a debenture, or in lieu of selling it, may, by by-law or resolution authorize the head and treasurer to raise money by way of loan on such debenture and to hypothecate it for the loan.

Proviso.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan. 4 Edw. VII. c. 22, s. 14 (1), *amended*.

Debentures,  
etc., not to  
be for less  
sums than  
\$100.

**318.**—(1) Subject to subsection 2 a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$100; and any such bond, bill, note, or debenture, shall be void.

Proviso as to  
debentures  
issued for  
sums which  
include prin-  
cipal and  
interest.

(2) A debenture heretofore or hereafter issued under the authority of any by-law, providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an equal annual sum of not less than \$100, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$100 within the meaning of this section, and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal shall be valid. 3 Edw. VII. c. 19, s. 436, *amended*.



## TEMPORARY LOANS.

**319.**—(1) A council may either before or after the passing of the by-law for imposing the rates for the current year, authorize the head and treasurer to borrow on such security, if any, as the by-law may authorize, such sums as the council may deem necessary to meet the current ordinary expenditure of the corporation, and the sums required to be raised in the current year for High and Public School purposes until the taxes are collected. 3 Edw. VII. c. 19, s. 435 (1); 7 Edw. VII. c. 40, s. 9 (1), *amended*.

(2) The amount so borrowed and outstanding shall not at any time exceed in the case of a county the amount required to be provided for by the county rate for the current year, and in the case of a local municipality the following percentages of its ordinary expenditure for the next preceding year, together with the amount required to be raised for High and Public School purposes for the current year;

(a) In the case of a town, village or township, any part of which is situate within 2 miles of a city having a population of not less than 100,000—80 per cent.;

(b) In the case of a city and of any other town, village or township—90 per cent.

(3) If the council authorizes the borrowing of any larger sum, every member who votes therefor shall be disqualified from holding any municipal office for two years. 3 Edw. VII. c. 19, s. 435 (2-2a); 4 Edw. VII. c. 22, s. 15; 7 Edw. VII. c. 40, s. 9 (2), *redrafted*.

(4) The lender shall not be bound to establish the necessity of borrowing the sum lent. *New*.

**320.** When a corporation has heretofore guaranteed or hereafter guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality, or where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. 2 Geo. V. c. 40, s. 7.

## PART XV.

## ACQUISITION OF LAND AND COMPENSATION.

## LAND TAKEN OR INJURIOUSLY AFFECTED:

Interpreta-  
tion.**321.** In this Part:"Expropria-  
tion."

- (a) "Expropriation" shall mean taking without the consent of the owner, and "Expropriate" and "Expropriating" shall have a corresponding meaning. *New.*

"Land."

- (b) "Land" shall include a right or interest in, and an easement over, land;

"Owner."

- (c) "Owner" shall include mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator, and a guardian;

"The Judge."

- (d) "The Judge" shall mean, in the case of an arbitration as to the compensation for land expropriated, or for injuriously affecting land, a Judge of the County or District Court of the county or district in which the land or any part of it is situate, and in the case of any other arbitration, if the corporation of one municipality only is a party to it, a Judge of the County or District Court of the county or district in which the municipality, if it is a local municipality, is situate, or, if it is a county, of that county, and if the corporations of two or more municipalities are parties to the arbitration, a Judge of the High Court;

Power to  
acquire or  
expropriate  
land.

**322.**—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and may sell or otherwise dispose of the same when no longer so required.

Taking  
more land  
than re-  
quired

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately

required

required for its purposes, the council may acquire or appropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required. 9 Edw. VII c. 73, s. 17, *amended*.

(3) A by-law for entering on or expropriating land shall contain a description of the land, and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. *New*.

Land to be described in by-law etc.

**323.** The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review, or control by any Court, if the purchaser is a person who may lawfully buy, and the council acted in good faith. *New*.

Sale of land by council when not to be open to question.

**324.**—(1) At any time after the passing of a by-law for entering on or expropriating land, the corporation, by leave of the Judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the Judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the Judge may issue his warrant to the Sheriff of the County or District in which the land lies to put the corporation in possession, and to put down such resistance or opposition which the Sheriff, taking with him sufficient assistance, shall accordingly do. *New*.

Power to enter on land after expropriation by-law passed.

(2) Leave of the Judge and payment into Court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, altering or diverting a highway unless upon application by the owner a Judge of the High Court otherwise directs. *New*.

When leave and payment into Court not required.

**325.**—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation or of the council thereof, under the authority of this Act or under the authority of any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated, or where it is injuriously affected by the exercise of such powers for the damages necessarily resulting therefrom, beyond any advantage which the owner may derive from any

Owners of lands taken, etc., by corporation, etc., to be compensated.

work, for the purposes of, or in connection with which the land is injuriously affected.

**Arbitration** (2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

**Fencing.** (3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation. 3 Edw. VII. c. 19, s. 437, *redrafted*.

**Damages resulting from severance.** (4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance. *New*.

**Claim for compensation, when and how to be made.** **326.**—(1) Except where the person entitled to the compensation is an infant, a lunatic, or of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing, with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to compensation shall be forever barred.

**Case of infant, lunatic, etc** (2) In the case of an infant, a lunatic, or a person of unsound mind, the claim shall be so made within the same period, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under the disability within one year after his death, and, if not so made, the right to compensation shall be forever barred. 3 Edw. VII. c. 19, s. 438, *redrafted*.

**Exception, as to acquiring easement.** (3) This section shall not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. *New*.

**Appointment of person to act for owner who is unknown or cannot be found.** **327.**—(1) If the owner of the land is unknown, or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land, and to convey it to the corporation, the Judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he  
were

were of full age and competent to do the act, make the contract or execute the conveyance. 3 Edw. VII. c. 19, s. 444 (2), *redrafted*.

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the High Court, with the privity of the Accountant of the Supreme Court, subject to further order. *New*.

**328.** The compensation shall stand in the place of the land, and shall be subject to the limitations and charges, if any, to which the land was subject; and any claim to or incumbrance upon the land, or any part of it, as against the corporation, shall be converted into a claim upon the compensation. 3 Edw. VII. c. 19, s. 445.

**329.**—(1) Where it is made to appear to a Judge of the High Court that for any reason it is proper that the compensation should be paid into Court, the Judge may give leave to the corporation to pay it into Court, with interest at the rate of six per cent. per annum for six months.

(2) Notice of the payment into Court, and calling upon all persons entitled to the land, or any part of it, to file their claims to the compensation, or any part of it, shall be published in such newspaper and for such time as the Judge may direct.

(3) All claims to or upon the compensation shall be determined by a Judge of the High Court or in such manner as he may direct.

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the Judge may direct;

(5) If an order for distribution is obtained in less than three months from the payment into Court the Judge may direct a proportionate part of the interest to be returned to the corporation.

(6) The payment into Court shall discharge the corporation from all liability in respect of the compensation.

Order  
vesting  
land in  
corporation.

**330.** After payment into Court of the compensation, a Judge of the High Court may, upon the application of the corporation, make an order, vesting in the corporation the land in respect of which the compensation was payable, and the order shall have the same effect as a vesting order made under the provisions of *The Judicature Act. New.*

Taking, etc.,  
lands for  
public  
work.  
Filing plans  
and speci-  
fications.

**331.**—(1) Where the council of a city or town is desirous of entering upon any work or undertaking, for which land is required to be expropriated, or, in the execution of which, land may be injuriously affected, the council may file, in the office of the clerk, plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated, and the nature and extent of any easement, or right in the nature of an easement, to be acquired, or certified copies of such plans, and specifications.

Service of  
notice of  
intention to  
construct  
works, etc.

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council's intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice.

Filing of  
claim.

Claim not  
filed to be  
barred.

(3) If a claim is not so filed within the period mentioned in subsection 2, it shall be forever barred, unless, upon application to a Judge of the High Court, made not later than one year from the service of the notice, and, after seven days' notice to the corporation, the Judge allows the claim to be made.

Appeal.

(4) Either party may appeal from the decision of the Judge to a Divisional Court of the Appellate Division of the Supreme Court. 3 Edw. VII. c. 19, ss. 439, 440, *redrafted.*

Claims not  
barred  
where plans  
insufficient.

(5) Nothing in this section shall have the effect of barring a claim, if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking. 3 Edw. VII. c. 19, s. 443, *amended.*

For claims  
of infants,  
lunatics,  
etc.

(6) This section shall not apply to the claim of an infant, a lunatic or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. *New.*

## PART XVI.

## ARBITRATIONS.

**332.** The provisions of this Part shall be subject to Application of certain Acts.  
*The Municipal Arbitrations Act. New.*

**333.** Except where otherwise provided, *The Arbitration Act* shall apply to an arbitration under this Act. 3 Edw. VII. c. 85.  
 VII. c. 19, s. 467, *amended.*

**334.** In case of an arbitration as to compensation where more persons than one are interested, but have distinct interests in the land, whether or not they are all interested in the same parcel, or some or one in one part of it, and some or one in another part, the council may by the expropriating by-law or by any subsequent by-law provide that the claims of all such persons shall be determined by one and the same arbitration. 3 Edw. VII. c. 19, s. 452.

**335.**—(1) Subject to section 339 and to subsection 7 of this section where an arbitration is directed or authorized by this Act, either party may appoint his arbitrator, and give notice thereof in writing to the other party, calling upon him to appoint his arbitrator. 3 Edw. VII. c. 19, s. 450 (1), *amended.*

(2) Where the arbitration is as to compensation and the notice is given by the corporation there shall be served with it a copy of the expropriating by-law, certified under the hand of the clerk and the seal of the corporation to be a true copy. 3 Edw. VII. c. 19, s. 453 (1), *redrafted.*

(3) The appointment of an arbitrator shall be in writing, and, in the case of a municipal corporation, shall be by by-law of the council, or by the head, or a member of the council, if authorized by by-law to make the appointment. 3 Edw. VII. c. 19, s. 449, *redrafted.*

(4) The party notified, except in the case provided for by subsection 5, shall within seven days after service of the notice on him appoint his arbitrator and give notice to the other party of the appointment. *New.*

(5) In the case provided for by section 334 the persons interested shall within 21 days after service of the notice on them agree upon and appoint their arbitrator and give notice to the other party to the arbitration of the appointment. 3 Edw. VII. c. 19, s. 453 (2), *amended.*



Appoint-  
ment of  
third  
arbitrator  
by appointed  
arbitrators.

(6) The arbitrators shall, within seven days from the appointment of the last appointed of them, appoint by writing a third arbitrator. 3 Edw. VII. c. 19, s. 450 (2).

Where more  
than two  
municipal-  
ties  
interested.

(7) Where more than two municipal corporations are interested, each shall appoint an arbitrator, and, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default at the expiration of twenty-one days after the last of such arbitrators was appointed, the Municipal Board may, on the application of any one of the corporations interested, appoint the other arbitrator. 3 Edw. VII. c. 19, s. 450 (4), *redrafted*.

Appoint-  
ment of  
arbitrator  
by Judge.

**336.**—(1) Except in the case provided for by subsection 7 of section 335, if an arbitrator is not appointed by the party notified within seven days, or in the case provided for by section 334 within twenty-one days after notice to appoint an arbitrator, or, if the two arbitrators appointed do not, within seven days from the appointment of the last appointed one of them, appoint a third arbitrator, the Judge, on the application of either party, and on notice to the other, shall appoint as arbitrator, or third arbitrator, a fit person to act for the party who has failed to appoint, or as such third arbitrator.

When  
resident of  
municipality  
not to be  
appointed.

(2) Where the arbitration is as to compensation the arbitrator appointed by the Judge shall not be a resident of the municipality in which the land is situate. 3 Edw. VII. c. 19, s. 454, *redrafted*.

Appoint-  
ment of  
arbitrators  
not to be  
deemed an  
admission  
of liability.

**337** The appointment of an arbitrator by a municipal corporation shall not be deemed to be an admission of any liability on its part, and all defences and objections that would be open in an action, shall be open to either party. 3 Edw. VII. c. 19, s. 455.

Persons  
disqualified  
from act-  
ing as  
arbitrators.

**338.** No member, officer, or person in the employment of a corporation which, and no person who, is concerned or interested in an arbitration, shall be appointed or act as an arbitrator, but no person shall be disqualified by reason merely that he is a ratepayer of a municipality concerned or interested in the arbitration. 3 Edw. VII. c. 19, s. 457.

Arbitrator  
when claim  
under \$1,000.

**339.** Where the arbitration is as to compensation and the amount claimed does not exceed \$1,000, the same shall be determined by the Judge or by such person as he on application to him by either the corporation or the claimant upon at least seven days notice to the other, may appoint. 3 Edw. VII. c. 19, s. 448 (1-2); 4 Edw. VII. c. 22, s. 16 (1), *redrafted*, and see 4 Edw. VII. c. 22, s. 16 (2).

## PROCEDURE.

**340.**—(1) Every arbitrator, before proceeding with the <sup>Oath of</sup> reference, shall take and subscribe the following oath: <sup>arbitrators.</sup>

"I (A. B.) swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge." 3 Edw. VII., c. 19, s. 458.

(2) The omission of an arbitrator to take the oath shall <sup>Effect of</sup> not affect the validity of the award, unless, before the refer- <sup>omission to</sup> ence is begun objection is made to its being proceeded with <sup>take oath.</sup> on that account. *New.*

**341.**—(1) The arbitrators shall, within twenty days after <sup>Time of</sup> the appointment of the last appointed arbitrator, meet at such <sup>meeting,</sup> place as they may agree upon, and proceed with the refer- <sup>etc.</sup> ence, but may adjourn from time to time.

(2) A copy of the award shall be filed with the clerk of every municipality interested. 3 Edw. VII. c. 19, s. 459. *Amended.*

**342.**—(1) In the case of a claim for compensation for <sup>Particulars</sup> damages for injuriously affecting land, the claimant, before <sup>of claim to</sup> the taking of evidence is begun, shall deliver to the corpora- <sup>be delivered.</sup> tion, and file with the arbitrators, particulars of his claim.

(2) The arbitrators shall have the same power to amend <sup>Amendment</sup> the claim or the particulars as a Court would have in an <sup>of claim.</sup> action. 3 Edw. VII, c. 19, s. 442, *part amended.*

**343.** Where the arbitration is as to compensation, the <sup>Limit of</sup> arbitrators, in their discretion, may refuse to hear further <sup>cumulative</sup> evidence of a cumulative character upon any matter or <sup>evidence.</sup> question. 3 Edw. VII. c. 19, s. 442, *part amended.*

**344.**—(1) The arbitrators may award a fixed sum for <sup>Costs.</sup> costs or may award costs on the scale of the High Court, or of the County Court, in which case they shall be taxed by the proper officer of the Court in the county or district in which the first meeting of the arbitrators was held, without any further order, and the amount shall be payable within one week after it is finally determined.

(2) The taxation except where the costs are taxed <sup>Taxation</sup> by one of the taxing officers of the Supreme Court, shall be <sup>of costs.</sup> subject to revision by one of them, upon one week's notice, and such revision shall be subject to appeal, as in the case of an appeal from a taxation of costs in an action. 3 Edw. VII. c. 19, s. 460, *redrafted.*

When an appeal lies from an award.

**345.**—(1) An appeal shall lie from every award in like manner as an appeal lies under *The Arbitration Act*, where the submission provides for an appeal from the award.

(2) Subsection 1 shall not apply where the submission is in writing, and it is not agreed by the terms of it that there may be an appeal from the award. *New.*

Power of High Court on appeal.

(3) On an appeal from an award the High Court may call for and receive additional evidence to be taken in such manner as the Court directs, and may set aside the award or remit the matters referred or any of them, from time to time, for re-consideration and determination by the arbitrators, or may refer such matters or any of them to any other person, and may fix the time within which the further or new award shall be made, or may increase or diminish the amount awarded, or otherwise modify the award, as may be deemed just, and a Divisional Court of the Appellate Division of the Supreme Court shall have the like power and authority. 3 Edw. VII. c. 19, s. 464, *redrafted.*

Arbitrators to file certificate showing time occupied and fees charged.

**346.**—(1) Each of the arbitrators shall file with the clerk of the municipality a certificate, showing the number of hours actually occupied by him in the reference, the number of hours occupied at each sitting, and the date of and the fees charged by him for each sitting.

Payment of arbitrators' fees on taking up award.

(2) Any party to the reference may pay to the Clerk of the County or District Court of the county or district in which the first meeting of the arbitrators was held, the fees demanded by the arbitrators, together with \$10 as security for the costs of the taxation of such fees, and the clerk shall give a receipt in duplicate for the same, and shall enter the payment in a book to be kept by him for the purpose, and he shall be entitled to receive to his own use from such party, when the sum paid does not exceed \$50, a fee of fifty cents, and when the sum paid exceeds \$50 a fee of \$1, and upon production and delivery of one of the duplicates the arbitrators shall deliver the award to the person producing the duplicate. 3 Edw. VII. c. 19, s. 462 (2-3), *redrafted.*

Award not to be binding in certain cases unless adopted by by-law.

**347.** Where the arbitration is as to compensation, if the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority, but the arbitrators by their award find that it was not acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law, within three months after the making of the award; and if it is not so adopted, the expropriating by-law shall be deemed to be repealed, and the corporation shall pay the costs between solicitor

solicitor and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages if not mutually agreed upon shall be determined by arbitration. 3 Edw. VII. c. 19, s. 463 (1), *amended*.

## PART XVII.

### ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

**348.** Where a duty, obligation, or liability is or has been heretofore imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants of a municipality, or where a contract or agreement is or has heretofore been entered into, which imposes such a duty, obligation, or liability, the corporation shall have the right by action to enforce it, and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney-General, as plaintiff, or as plaintiff on the relation of any person interested, or in an action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. 3 Edw. VII. c. 19, s. 467a; 5 Edw. VII. c. 22, ss. 17, 18. *Re-drafted*.

Right of  
action of  
municipal  
corporation  
to enforce  
agreements,  
etc.

**349.** An action shall not be brought for anything done under a by-law, order or resolution of a council which is invalid, in whole or in part, until one month after the by-law, order, or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order, or resolution. 3 Edw. VII. c. 19, s. 468.

Corporation  
to be  
liable for  
acts done  
under  
illegal  
by-law.

## PART XVIII.

### RESPECTING THE ADMINISTRATION OF JUSTICE.

#### JUSTICES OF THE PEACE.

**350.** The head of every council, the reeve of every town, and every deputy reeve, after he has made the declarations of office and qualification, shall, *ex officio*, be a Justice of the Peace for the whole county, and every controller and alderman in a city, after he has made such declarations, shall

Certain  
persons to  
be ex-officio  
Justices of  
the Peace.

shall be, *ex officio*, a Justice of the Peace for the city. 3 Edw. VII. c. 19, s. 473; 5 Edw. VII. c. 22, s. 19; 6 Edw. VII. c. 35, s. 32.

Justice  
may act  
although  
member of  
council.

**351.** A Justice of the Peace shall not be disqualified from acting in the case of a prosecution for a breach of a by-law of a council,

(a) By reason of his being a member of the council; or

(b) Because the penalty or part of it goes to the corporation of a municipality of which he is a ratepayer. 3 Edw. VII. c. 19, ss. 477 and 478, *redrafted*.

### POLICE OFFICE IN CITIES AND TOWNS.

Police  
office.

**352.** The council of every city and town shall establish and maintain therein a Police Office. 3 Edw. VII. c. 19, s. 479 (1), *part*.

Police  
magistrate  
to attend  
daily.

**353.**—(1) The Police Magistrate, or, if he is absent or ill, or if there is a vacancy in the office, the Deputy Police Magistrate, shall attend at the Police Office daily, for such period as may be necessary for the disposal of the business to be done.

Mayor to  
attend where  
no police  
magistrate.

(2) In a town for which there is not a Police Magistrate, the Mayor shall attend at the Police Office daily, or at such time, and for such period as may be necessary for the disposal of the business that may be brought before him as a Justice of the Peace.

Case of  
illness or  
absence of  
police  
magistrate.

(3) In a city or town for which there is a Police Magistrate, if he is absent or ill, and there is no Deputy Police Magistrate, or if the Deputy Police Magistrate is also absent or ill, the Mayor shall attend in the place of the Police Magistrate, but shall have only the powers of a Justice of the Peace.

When  
Justice  
may act.

(4) A Justice of the Peace having jurisdiction in a city or town may, at the request of the Mayor, act in his stead. 3 Edw. VII. c. 19, s. 479 (1), *part redrafted*.

Accommoda-  
tion, etc.,  
for police  
office.

(5) The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Police Office, and for the officers connected with it. 3 Edw. VII. c. 19, s. 479 (2).

(6) The clerk of the council of the city or town, or such other person as the council appoints for that purpose, shall be the clerk of the Police Office, and shall perform the same duties and receive the same fees and emoluments as a clerk of a Justice of the Peace. Clerk of police office and his duties.

(7) Where the clerk of the council is paid by a salary, the fees and emoluments shall be paid over by him and belong to the corporation. If paid by salary, fees to belong to corporation.

(8) Where there is a Police Magistrate, the clerk of the Police Office shall be under his control. 3 Edw. VII. c. 19, s. 480, *redrafted*. Clerk to be under control of magistrate.

### BOARDS OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

**354.**—(1) Notwithstanding the provisions of any special Act, there shall be for every city, and there may be constituted by the council thereof for every town having a Police Magistrate, a Board of Commissioners of Police. Constitution of Board.

(2) The Board shall consist of the Mayor, a Judge of the County or District Court of the county or district in which the city or town is situate, and the Police Magistrate. 3 Edw. VII. c. 19, s. 481 (1), *first part redrafted*. Who to be members.

(3) If there are two or more Judges for the county or district, the Lieutenant-Governor in Council shall designate the Judge who is to be a member of the Board. *New.* Designating judge where more than one.

(4) If the Police Magistrate is absent from Ontario, the Deputy Police Magistrate shall act in his stead during his absence. Absence of police magistrate.

(5) If the office of Judge or that of Police Magistrate is vacant, the council shall fill the vacancy on the Board by appointing a resident of the municipality to act during the vacancy. Vacancy in office of judge or police magistrate.

(6) In case of the illness or absence from Ontario of the Mayor, or of the office being vacant, the person appointed as presiding officer of the council shall act instead of the Mayor. Illness or absence of mayor.

(7) The council of a city may provide for the payment of a reasonable remuneration for his services as a member of the Board to the Judge, or to any person appointed to fill the vacancy while the office of Judge or Police Magistrate is vacant. 3 Edw. VII. c. 19, s. 481, *last part redrafted*. Remuneration of judge, etc.

(8)

Repeal of  
by-law  
constituting  
board.

(8) The by-law of the council of a town may at any time be repealed, and, if repealed, the Board shall, on the first day of January next after the passing of the repealing by-law, be dissolved. *New.*

(9) Subsection 8 shall also apply to a Board constituted before the 24th day of March, 1874, and existing on that day. 3 Edw. VII. c. 19, s. 494, *redrafted.*

Board may  
examine  
witnesses  
on oath.

**355.**—(1) The Board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any Court of law in civil cases.

Force of  
notice to  
attend be-  
fore Board.

(2) It shall be the duty of every person served with a notice to attend before the Board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. 3 Edw. VII. c. 19, s. 482 (1), *amended.*

Chairman.

**356.**—(1) The Board shall, in each year, at its first meeting held after the Mayor has made the declarations of office and qualification, elect a chairman.

Quorum.

(2) A majority of the members of the Board shall constitute a quorum.

Meetings  
in cities to  
be open to  
public.

(3) The meetings of the Board shall be open to the public, unless otherwise directed by the Board. 3 Edw. VII. c. 19, s. 483, *amended.*

How by-law  
of Board  
authenticated  
and  
proved.

**357.**—(1) A by-law of the Board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

(2) A copy of a by-law purporting to be certified by a member of the Board to be a true copy, shall be received in evidence in all Courts, without proof of the signature. 3 Edw. VII. c. 19, s. 485, *redrafted.*

#### HIGH BAILIFF AND POLICE FORCE.

High  
bailiffs.

**358.** The council of every city shall appoint a high bailiff but may provide that the offices of high bailiff and chief constable shall be held by the same person. 3 Edw. VII. c. 19, s. 487.

Police  
force in  
cities and  
towns.

**359.** The police force in cities and in towns having a Board of Commissioners of Police shall consist of a chief constable and as many constables and other officers and assistants



assistants as the council may deem necessary, but, in cities, not less than the Board reports to be absolutely required. 3 Edw. VII. c. 19, s. 488.

**360.** The members of the police force shall be appointed by and hold office during the pleasure of the Board, and shall take and subscribe an oath similar to that set out in section 20 of *The Constables Act*. 3 Edw. VII. c. 19, s. 489, *amended*. Appointment of members of police force. 10 Edw. VII., c. 8.

**361.** The Board may make regulations for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 3 Edw. VII. c. 19, s. 490. Board to make regulations.

**362.** The members of the police force shall be subject to the government of the Board, and shall obey its lawful directions. 3 Edw. VII. c. 19, s. 491, *first part*. Police officers to be subject to the Board.

**363.**—(1) The council shall appropriate for and pay such remuneration to the members of the police force as the Board may determine, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing, and other things as the Board may deem requisite and require for the accommodation, use, and maintenance of the force. Remuneration of police officers.

(2) The council may pay any sum required for the protection, defence, or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered, if the Board certifies that the case is a proper one for such payment or indemnity. 3 Edw. VII. c. 19, s. 492, *amended*. Indemnifying police officers.

**364.** The council of every town not having a Board shall and the council of every village may, appoint one chief constable and one or more constables. 3 Edw. VII. c. 19, s. 493, *amended*. Constables in towns and villages.

**365.** The council of a county and of a township may appoint one or more constables. 3 Edw. VII. c. 19, s. 495, *part*. County and township constables.

**366.**—(1) The members of a police force, the high bailiffs and the constables appointed under the authority of this Part shall have the same powers and privileges, be subject to the same liability, perform the same duties, be subject to suspension in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions of the Peace. 3 Edw. VII. c. 19, s. 495, *part amended*. Powers of police officers, constables, etc.

(2) The provisions of subsection 1, as to suspension, shall not apply to a member of the police force of a city or town which has a Board of Commissioners of Police. *New.*

Duties of  
police  
officers, con-  
stables, etc.

**367.** The members of a police force, a high bailiff, a chief constable and the constables appointed under this Part, shall be charged with the duty of preserving the peace, preventing robberies, and other crimes and offences, including offences against the by-laws of the municipality, and of apprehending offenders, and laying information before the proper tribunal, and prosecuting and aiding in the prosecution of offenders. 3 Edw. VII. c. 19, s. 491, *last part*; 7 Edw. VII. c. 40, s. 10, *amended.*

[*As to appointment of High Constable by county, see The Constables Act. 10 Edw. VII. c. 39, s. 8.*]

Salary and  
remunera-  
tion.

**368.**—(1) The council by which a high bailiff, chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. *New.*

Fees of  
salaried  
constable.

(2) The council may agree with a salaried constable appointed either by the council or by the Board of Commissioners of Police that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. 3 Edw. VII. c. 19, s. 496, *amended.*

Arrests  
without  
warrant by  
constables  
for alleged  
breaches of  
the peace.

**369.** Where any person complains to the chief constable or a constable of a city or town that a breach of the peace has been committed, and that officer has reason to believe that it has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing it is necessary to prevent his escape, or a renewal of the breach of the peace, or immediate violence to person or property, if the person complaining gives satisfactory security to the officer that he will, without delay, appear and prosecute the charge, the officer may, without warrant, arrest or cause to be arrested the person charged, in order to his being brought as soon as conveniently may be before the police magistrate or a justice of the peace to be dealt with according to law. 3 Edw. VII. c. 19, s. 497, *amended.*

When mayor  
or police  
magistrate  
may sus-  
pend con-  
stable.

**370.**—(1) If there is no Board of Commissioners of Police for a town, the Mayor or the Police Magistrate may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may appoint some other person to the office during such period; and, if he considers the suspended officer deserving of dismissal, he

shall

shall, immediately after suspending him, so report to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of suspension has expired. 3 Edw. VII. c. 19, s. 498.

(2) During suspension, the officer shall not act except with the written permission of the Mayor or Police Magistrate who suspended him, or be entitled to any salary or remuneration. 3 Edw. VII. c. 19, s. 499, *amended*. incapacity of such officer to act. Salary to cease.

## COURT HOUSES, GAOLS, ETC.

### *Establishment.*

**371.** Until otherwise provided by law the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. *New*. Existing county and district towns continued.

**372.**—(1) The corporation of every county shall provide and maintain a County Court House and a County Gaol. County to provide court house and gaol.

(2) The Court House and the Gaol shall be sufficient for the purposes of every city and separated town, which forms part of the county for judicial purposes as well as for the purposes of the county. Sufficient for county and city.

(3) The Gaol shall be provided and maintained in conformity with the provisions of *The Gaols Act*, and to the satisfaction of the Lieutenant-Governor in Council. Maintenance of gaol.

(4) Subsection 2 shall not apply to the Court House if the city has a Court House of its own, or to the Gaol if the city has a gaol of its own. *New*.

**373.**—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house or gaol, and shall keep the same in repair and provide the food, fuel, and other supplies required therefor. 3 Edw. VII. c. 19, s. 500, *amended*. County council may pass by-laws as to county buildings.

(2) The corporation of a county may acquire land within a city or separated town, which is the county town for the purpose of erecting and may erect thereon a court house, a gaol, and buildings for use as a county hall and for offices for the county officials. 3 Edw. VII. c. 19, s. 501, *redrafted*. Acquiring land for court houses.

**374.** The court house and gaol of the county in which a city or separated town is situate, shall, except where the case may be, of the city or town, and the sheriff and gaoler shall Gaols and court houses in counties and cities, etc., not separated.

shall receive and safely keep, until duly discharged, all persons committed to the gaol by any competent authority of the city or town. 3 Edw. VII. c. 19, s. 502, *amended*.

*Care of Court Houses and Gaols.*

Custody  
of gaols.  
Keepers

**375.**—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the gaoler and officers of the gaol, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Appointment  
and dismissal  
of gaolers.

(2) The appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor in Council. 3 Edw. VII. c. 19, s. 504.

Gaoler not  
to accept  
fees.

**376.** A gaoler or an officer of the gaol shall not demand or receive any fee, perquisite, or other payment from any prisoner. 3 Edw. VII. c. 19, s. 505, *amended*.

County  
council  
to have  
care of  
court  
house, etc.

**377.**—(1) The county council shall have the care of the court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the gaol, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery, and furniture for the Provincial Courts of Justice, other than the Division Courts, and for the library of the Law Association of the county, such last mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery, and furniture, and, when certified by the Attorney-General to be necessary, with typewriting machines, for all officers connected with such Provincial Courts, other than the Crown Attorney of the City of Toronto. (*As to Division Courts, see 10 Edw. VII. c. 32, s. 13.*)

(2) The council of the Corporation of the City of Toronto shall provide proper offices, with fuel, light, stationery, and furniture for the Crown Attorney of the City. 3 Edw. VII. c. 19, s. 506, *redrafted*.

Liability  
for furni-  
ture for use  
of county  
officials.

(3) A corporation shall not be liable to pay for furniture, unless it has been ordered by the council or by some person authorized by it so to do. 3 Edw. VII. c. 19, s. 513, *amended*.

City gaols  
to be regu-  
lated by  
by-laws of  
city council.

**378.** The care of the gaol or court house of a city shall be regulated by by-law of its council. 3 Edw. VII. c. 19, s. 507, *redrafted*.

*Costs and Expenses of Court Houses and Gaols.*

**379.**—(1) A city or a separated town shall, as part of the <sup>Liability of cities and towns separated from counties for erection and maintenance of court house, etc.</sup> county for judicial purposes, so long as the county court house or gaol is also that of the city or separated town, bear <sup>Liability of cities and towns separated from counties for erection and maintenance of court house, etc.</sup> and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 23 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house, gaol, or house of correction, and of their proper lighting, cleaning, and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 377, and of all other charges relating to the administration of justice, except such as the county is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements. R.S.O. 1897, c. 61, s. 156-158; 3 Edw. VII. c. 19, s. 509 (1); 8 Edw. VII. c. 48, s. 7, *redrafted*.

(2) The use of the court house for the sittings of a <sup>Allowance to county for use of court house for division courts.</sup> Division Court of a Division which comprises the whole or a part of a city or separated town, may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house. 8 Edw. VII. c. 33, s. 49, *redrafted*.

(3) If the council of the city or separated town and the <sup>Reference to arbitration in case of disagreement.</sup> council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration. 3 Edw. VII. c. 19, s. 509 (2), *redrafted*.

(4) The council of a county and of a city or separated <sup>Purchase of lands and erection of buildings for municipal and judicial purposes.</sup> town situate in the county may agree:—

(a) To acquire land within the county town for the purpose of erecting thereon buildings for the joint use of the county and city or town, for municipal and judicial purposes;

(b) For the erection, maintenance, use, management, and control of such buildings;

(c) For fixing the amount which each corporation shall pay or contribute for such purposes;

(d) For the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof;

and

and may pass all such by-laws as may from time to time be necessary for acquiring the land, and carrying out the agreement. 3 Edw. VII. c. 19, s. 509 (3), *amended*.

*As to payment of expenses of shorthand writer and interpreter, see The County Judges Act, 9 Edw. VII. c. 29, ss. 17 (5), 18.]*

*As to payment by city or separated town of proportion of certain expenses under The Registry Act, see that Act. 10 Edw. VII. c. 60, ss. 7 and 29.*

What arbitrators to take into account.

**380.** Where the court house, gaol or registry office was erected before the city or town ceased to be part of the county for municipal purposes the arbitrators may take into account in determining the amount to be paid by the city or town the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. *New*.

Insurable interests of corporations in certain cases.

**381.** The corporation of a county, city, or separated town shall have, respectively, insurable interests in the county court house and gaol, and the furniture thereof, in the proportions in which they are, for the time being, liable to contribute under section 379. 3 Edw. VII. c. 19, s. 514, *amended*.

Liability of city to contribute to cost of erecting court houses and gaols.

**382.** Where a city is required to contribute to the cost of erecting, enlarging or improving a county court house or gaol, such city shall not be bound to pay for any part of the expenditure, unless it has been concurred in by its council, or, if the council does not concur, the propriety and the amount of the expenditure has been determined by arbitration. 3 Edw. VII. c. 19, s. 515, *part*.

Site for court house or gaol.

**383.** The site of the court house or gaol shall be determined by arbitration, unless the councils of the county and city agree as to the site. 3 Edw. VII. c. 19, s. 515, *part, re-drafted*.

Compensation by city or town for use of court house, etc

**384.**—(1) A city which uses the county court house or gaol, and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or determined by arbitration.

Matters to be considered in determining compensation.

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol and gaol buildings and of repairs and insurance, so far



as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. 3 Edw. VII. c. 19, s. 516, *amended*.

**385.** After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 379 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council, upon the application of either corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. 3 Edw. VII. c. 19, s. 517, *redrafted*. When the amount of compensation may be reconsidered

**386.**—(1) The council of every local municipality may establish, maintain, and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common gaol for trial, or in the execution of any sentence; and such persons may be lawfully received and so detained in the lock-up. Lock-up houses.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them. 3 Edw. VII. c. 19, s. 520, *amended*. Joint lock-up houses.

(3) Every lock-up house shall be placed in the charge of a constable appointed for that purpose. Constable in charge.

(4) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. Salary.  
*New.*

**387.**—(1) If a county town has not a lock-up house, approved by the Inspector of Prisons and Public Charities, the county gaol may be used for the purposes of a lock-up house, and if so used the corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the gaol as a lock-up house, and for the expenses incurred by such use; and, in case of disagreement, the amount to be paid to the county shall be determined by arbitration. Payment to be made to county when gaol used as a lock-up.

(2) This section shall not apply to cities or separated towns. 3 Edw. VII. c. 19, s. 521, *amended*.



Expense of  
keeping  
prisoners  
in lock-up.

**388.** The cost of conveying a prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common gaol of the county. 3 Edw. VII. c. 19, s. 523.

*Section 409 of 29-30 V. c. 51 (See 36 V. c. 48, s. 337, R. S. O. 1877, c. 174, s. 449, 46 V. c. 18, s. 476 and R. S. C. 1896, Sched. B.), which is not repealed, is as follows:—*

When liable  
to confine-  
ment in  
lock-up.

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person may be conveyed to such gaol; also the confinement in such lock-up house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication or any person convicted of desecrating the Sabbath; and generally may commit to a lock-up house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law. 29-30 V. c. 51, s. 409.

#### INEBRIATE ASYLUMS.

Institutions  
for reclama-  
tion of  
habitual  
drunkards

**389.**—(1) The council of a city having a population of not less than 50,000 may:

- (a) Establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards;
- (b) Provide that the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

Rev. Stat.  
c. 318.

(2) Sections 62 to 70 of *The Private Sanitarium Act* shall apply to such institution. 3 Edw. VII. c. 19, s. 529, *redrafted*.

#### COMMITTAL TO INDUSTRIAL FARM.

Persons  
convicted  
of being  
found drunk  
or disorder-  
ly within 3  
months  
after prior  
conviction  
may be  
committed  
to Indus-  
trial Farm

**390.**—Where a person is convicted of being found drunk or disorderly in a public place contrary to a municipal by-law, within three months after a prior conviction for a like offence, he may be committed by the Police Magistrate or Justice of the Peace, before whom he is convicted, to an Industrial Farm of the locality in which the order for committal is made for an indeterminate period not exceeding two years. 2 Geo. V. c. 17, s. 34 (2).

## PART XIX.

## POLLING SUBDIVISIONS AND POLLING PLACES.

**391.** By-laws may be passed by the councils of local municipalities for dividing the wards of the city or town, or the village or township into two or more convenient polling subdivisions, and for establishing polling places therein. 3 Edw. VII. c. 19, s. 535.

- (a) Except in cities, every polling subdivision shall have well-defined boundaries, such as streets, side-lines, concession lines or the like, and shall be formed in the most convenient manner, and so that the number of electors in each polling subdivision shall be as nearly as possible equal. Boundaries of polling subdivisions.
- (b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city having a population of not less than 100,000 exceeds 200, and in any other municipality 300, in such a manner that the number in any polling subdivision shall not exceed 300. 3 Edw. VII. c. 19, s. 536 (1); 5 Edw. VII c. 22, s. 20. Number of electors in a subdivision.
- (c) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall include territory in one electoral district only. Not to be in more than one electoral district.
- (d) Subject to clause (f), any alteration of polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists. Alteration of subdivisions.
- (e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 200 in a city having a population of not less than 100,000, or 300 in any other municipality, he shall notify the council of the fact. Duty of clerk when population exceeds limit.
- (f) Where such alterations have not been made before the publication of the voters' lists, they shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being prepared. Changes made after voters' list made up.
- (g) Whenever the council is of opinion that the convenience of the electors will be thereby promoted the council may make a redivision into polling subdivisions. New subdivision to be made when necessary.

subdivisions, and such redivision shall be made in conformity with this section.

Determining  
number of  
electors.

(h) The number of electors shall be determined by the last revised assessment roll of the municipality.

Subdivisions  
to be  
numbered.

(i) The polling subdivisions shall be numbered consecutively, and a copy of the by-law, by which they are established, certified under the seal of the corporation and the hand of the clerk to be a true copy, shall, forthwith after the passing thereof, be filed by the clerk in the office of the Clerk of the Peace of the county or district in which the municipality is situate.

Appeal.

(j) Any 5 electors may at any time within two months after such filing appeal in respect of any polling subdivision to the Judge of the county or district Court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.

Election  
not to be  
voided if  
subdivision  
is wrongly  
formed.

(k) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided, if in the case of a city having a population of not less than 100,000 it does not contain more than 300, or in the case of any other municipality more than 400 electors. 3 Edw. VII. c. 19, s. 536, (2-10, 12), *redrafted*.

Subdivision  
for election  
about to  
be held.

(l) Where a polling subdivision in a city, having a population of not less than 100,000 contains more than 300 electors, or a polling subdivision in any other local municipality contains more than 400 electors, or where a local municipality is not subdivided into polling subdivisions the council shall for the purpose of an election about to be held or a vote about to be taken subdivide it into as many subdivisions as may be necessary to provide in the case of such a city one for every 200 electors, and in the case of any other local municipality one for every 300 electors. *New*.

Uniting  
polling sub-  
divisions.

**392.** By-laws may be passed by the councils of urban municipalities for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor. 3 Edw. VII. c. 19, s. 536 (10), *part amended*.

**393.** By-laws may be passed by the councils of cities <sup>Using public school for polling places.</sup> having a population of not less than 100,000, for providing that a public school house or a public building belonging to or controlled by the corporation in, or conveniently near to a polling subdivision, shall be used as the polling place of such subdivision. 3 Edw. VII. c. 19, s. 536 (13); 8 Edw. VII. c. 48, s. 8.

- (a) Where a school house is so used the council shall <sup>Payment therefor.</sup> forthwith pay to the Board of Education a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use.
- (b) No school house shall be so used without the con- <sup>Consent of public school board.</sup> sent of the Board of Education.
- (c) The board of commissioners of police or the chief <sup>Constable to attend each such polling place.</sup> constable shall cause a constable to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. 3 Edw. VII. c. 19, s. 536 (14-16), *amended*.

**394.** Where a polling place has been appointed for hold- <sup>In certain cases clerk may choose polling place</sup> ing an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building which is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places near by, directing the voters to the place so selected. 3 Edw. VII. c. 19, s. 536 (11), *amended*.

## PART XX.

### POWERS OF MUNICIPAL COUNCILS.

#### *Interpretation.*

**395.** "Bonus" where it occurs in sections 278, 288, 396 <sup>Bonus defined.</sup> and 397 shall include:—

- (a) A grant of money as a gift or a loan, either conditionally or unconditionally.
- (b) The guaranteeing of the repayment of money loaned to or the payment of a debt contracted by the person to whom the bonus is granted and the interest thereon.

(c)

(s. 395.)

- (c) The gift or the leasing at a nominal rent of land owned by the corporation or the purchase of land as a site for buildings or works or as a means of access or for any other purpose connected with the manufacturing business to be aided.
- (d) The stopping up, opening, widening, paving or improving of a highway or public place or the undertaking of any work or improvement which involves the expenditure of money by the corporation for the use or benefit of the manufacturing business to be aided.
- (e) The supplying of water, light or power by the corporation either free of charge or at a less rate than that charged to other persons.
- (f) The total or partial exemption from municipal taxation or the fixing of the assessment of any property.
- (g) Generally the doing, undertaking or suffering on the part of the corporation of any act, matter or thing which involves or may involve the expenditure of money by it. 3 Edw. VII. c. 19, s. 591a; 4 Edw. VII. c. 22, s. 26; 6 Edw. VII. c. 34, s. 31.

*Bonuses in Aid of Manufactures.*

Aid to  
manufac-  
turers, etc.

**396.** By-laws may be passed by the councils of all municipalities for granting a bonus for the promotion of manufactures in the municipality, or for the promotion of iron works, rolling mills, works for refining or smelting ore, or the establishment of grain elevators, or aiding a beet sugar factory, within the municipality or an adjacent municipality, to such person, in respect of such branch of industry and on such terms and conditions as to security and otherwise as may be deemed proper.

Shareholders  
not to vote  
on by-law.

- (a) No person to whom, or who is interested in or holds shares in a company and no nominee of a corporation to which a bonus is to be granted shall be entitled to vote on the by-law.

Industry not  
to be aided  
where one of  
like nature  
established.

- (b) No by-law shall be passed granting a bonus in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the bonus.

(c)

(s. 396.)

- (c) No by-law shall be passed granting a bonus in respect of a business established elsewhere in Ontario, or which has been removed to the municipality from another municipality in Ontario, whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise. Bonus not to be granted to industry already established elsewhere in Ontario.
- (d) No such by-law shall be passed where the granting of the bonus would for its payment and the payment of bonuses already granted require an annual levy for the payment of principal and interest exceeding 10 per cent. of the total amount required to be raised by taxation for the year next preceding the passing of the by-law, but if the bonus is by way of loan or guarantee, any amount to be repaid during the then current year shall be deducted from the amount of the bonus for the purpose of ascertaining whether the limit of 10 per cent. will be exceeded. 3 Edw. VII. c. 19, s. 591, par. 12; s. 700 *part*; 4 Edw. VII. c. 22, s. 34; 7 Edw. VII. c. 40, s. 36. Limitation of power to bonus.
- (e) Where the bonus is exemption from taxation or a fixed assessment the same shall not be for a longer period than ten years, but may be renewed from time to time for further periods not exceeding ten years at any one time, and the by-law shall not apply to or affect taxation for school purposes. 3 Edw. VII. c. 19, s. 591a, cl. (g), *part redrafted*. Period of exemption or fixed assessment.
- (f) Where the bonus is by way of loan, the by-law may provide that all money received on account of the loan shall be deposited to a special account in a chartered bank, and that such money, or a sufficient part of it, shall be applied in payment of the amount falling due in such year for principal and interest on account of debentures issued to pay the bonus. 5 Edw. VII. c. 22, s. 28, *part redrafted*. Applying payments made by persons bonused in payment of debentures and interest.

### *Bonuses in Aid of Railways.*

#### **397** (1).—In this section

Interpretation.

- (a) "Railway" shall include a railway operated by steam, electrical or other motive power and a street railway;

(b)

(s. 397.)

"Railway company."

(b) "Railway company" shall include a person authorized by a special Act to construct a railway, and shall also include a railway company incorporated by or under the authority of the Parliament of Canada or of the late Province of Canada or of this Legislature.

Power to aid railways.

(2) By-laws may be passed by the councils of all municipalities for granting a bonus to a railway company for the purpose of securing the construction of a railway in the construction of which the inhabitants of the municipality are interested or through any part of or near to which the railway will pass or the works of the company be situate.

Petition to council requiring submission of by-law to electors.

(3) Upon presentation to the council of a petition expressing the desire to aid the railway company and stating in what way and to what amount signed by a majority of the members of the council, or in the case of a county by at least fifty resident freeholders qualified to vote on the by-law, of each of the local municipalities in the county, or in the case of a local municipality by at least 50 resident freeholders thereof qualified to vote on the by-law, the council shall, within six weeks after the receipt of the petition by the clerk, take the requisite proceedings for submitting, in the manner provided by this Act, a by-law for granting the bonus for the assent of the electors qualified to vote thereon.

Reference to Municipal Board of petition against submission of by-law.

(4) Where the aid is proposed to be given by a county, if a petition signed by 50 resident freeholders of the county against submitting the by-law on the ground that certain of the local municipalities or parts of them would be injuriously affected thereby or on any other ground ought not to be included therein, and if a sum sufficient to defray the expense of the reference is deposited by the petitioners with the treasurer of the county, the council shall forthwith refer the petition to The Municipal Board.

Powers of Board to require amendment of by-law, etc.

(5) The Board may direct that the prayer of the petition be not granted, or that any of the local municipalities or any part of them or any of them shall be excluded from the operation of the by-law, and that the by-law be amended accordingly.

Levy of rates where part of county excluded from operation of by-law.

(6) Where the Board directs that the by-law be amended by excluding the whole or any part of a local municipality from the operation of it, the by-law shall be amended by imposing the rate to provide for the payment of the bonus or of the principal and interest of the debentures issued therefor on the rateable property within that part of the county not so excluded and that only, and the assent to the by-law of those persons qualified to vote on it in that part of the county

not



(s. 397.)

not so excluded shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

(7) The by-law as confirmed by the Board or amended by its direction shall, at the option of the railway company, be submitted by the council for the assent of the electors qualified to vote thereon.

Option of company as to submission of amended by-law.

(8) If the prayer of the petition is not granted by the Board, the expense of the reference shall be borne by the petitioners, and if the Board directs the by-law to be amended by excluding any part of the county from the operation of the by-law shall be borne by the railway company or by the corporation of the county or in such proportions between them as the Board may direct.

Expenses of reference—how borne.

(9) The council may require that before submitting the by-law for the assent of the electors the railway company shall deposit with the treasurer of the municipality a sum sufficient to defray the expense of its submission.

Company may be required to pay expenses of submitting by-law

(10) If the by-law receives the assent of the electors the council shall, within four weeks from the day on which the vote was taken, pass the by-law.

Requirements as to passing by-law.

(11) Unless otherwise provided by the by-law, the debentures, the issue of which is provided for by it, shall be issued and disposed of or delivered to the trustees appointed to receive them as hereinafter provided.

Disposal of debentures.

(12) Where the period within which the construction of the railway or other work is to be commenced or to be completed is provided for in the by-law, the council may by by-law or resolution from time to time extend such period, but no extension shall be for longer than one year at a time.

Extension of time for commencement or completion of railway.

(13) A bonus may be granted or shares may be subscribed for under the authority of this section notwithstanding that the yearly municipal taxation may be thereby increased beyond the limit provided for by section 297, if it does not require the levying of an annual rate for all purposes, exclusive of school rates, greater than three cents in the dollar.

Limit of two cents not to include bonuses to railways.

(14) By-laws may be passed by the councils of townships for granting a bonus for any of the purposes mentioned in subsection 2 by a section of the township, and in that case the rates imposed by the by-law to provide for the payment of the bonus or the principal and interest of the debentures issued therefor shall be imposed upon the rateable property within such section and that only.

Bonuses by sections of township.

(15)

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Petition  
for submis-  
sion of by-  
law—what  
required.

(15) In the case of a by-law to which the next preceding subsection applies, the petition shall be by a majority of the members of the council or at least fifty freeholders of the section qualified to vote on the by-law, and shall define the section by metes and bounds or by lots and concessions, and the assent to the by-law of those persons qualified to vote on it in the section shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

Subscribing  
for stock.

(16) In all other respects the provisions of subsections 1 to 13 shall apply.

(17) By-laws may, with the assent of the electors qualified to vote on a money by-law, be passed by the councils of all municipalities for subscribing for any number of shares in the capital stock of a railway company.

(18) Clauses (a), (e) and (f) of section 396, shall apply to a by-law passed under the authority of this section.

Delivery of  
debentures  
to three  
trustees.

(19) Where a by-law is passed under the authority of this section for granting a bonus to a railway company, the debentures therefor shall, within six months after the passing of the by-law, be delivered to three trustees, all of whom shall be residents of Ontario, who shall be named, one by the Municipal Board, one by the railway company, and one by the head of the municipality, or if bonuses have been granted by the councils of more municipalities than one by the majority of the heads of the municipalities by which the bonuses have been granted.

Appoint-  
ment of  
trustees in  
case of  
failure to  
appoint in  
first in-  
stance.

(20) If the head of the municipality or the heads of the municipalities, as the case may be, do not within one month after notice in writing of the appointment of the railway company's trustee name their trustee, the company may name him, and if the Board does not name a trustee within one month after notice in writing to the Board of the appointment of the other two trustees, the company may name the third trustee.

Removal  
of trustee  
by Board.

(21) The Board may remove a trustee and may appoint a new trustee in his stead, and if a trustee dies or resigns his trusteeship or goes to reside out of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and the Board may appoint a trustee in his stead.

Trusts on  
which de-  
bentures to  
be held.

(22) The trustees shall receive and hold the debentures in trust:—

(a) Under the direction of the railway company, but subject to the conditions of the by-law as to the time or manner of so doing, to convert the same into money or otherwise dispose of them;

(b)

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(b) To deposit the debentures or the amount realized from the sale of them in a chartered bank having an office in Ontario, in the name of "The Railway Municipal Trust Account" (*designating the name of the railway*).

(c) To deliver the debentures or pay the proceeds of the sale of them to the company from time to time as it becomes entitled thereto under the conditions of the by-law on the certificate of the chief engineer of the railway company Form 25.

(23) The certificate shall be attached to the cheque or order drawn by the trustees for such delivery or payment. Certificate of engineer to be attached to cheque.

(24) If the chief engineer wrongfully grants any such certificate he shall incur a penalty of \$500, recoverable by any person who may sue therefor. Penalty for wrongfully granting certificate.

(25) The act of any two of the trustees shall be as valid and binding as if they had all joined therein. Acts of two trustees to bind.

(26) The trustees shall be entitled to their reasonable fees and charges from the trust fund. 6 Edw. VII. c. 30, ss. 130-146, *amended*. Fees of trustees.

**398.** By-laws may be passed by the councils of all municipalities.

#### *Amateur Athletic and Aquatic Sports.*

1. For aiding amateur athletic or aquatic sports. 3 Edw. VII. c. 19, s. 591, par. 2a. Sports.

#### *Bands of Music.*

2. For aiding the establishment or maintenance of bands of music by any corps of active militia within the county, or any other bands of music. 3 Edw. VII. c. 19, s. 591, par. 2. Bands of music.

#### *Bathing Houses.*

3. For establishing and maintaining, or for granting money to aid in the construction of public bathing houses. 3 Edw. VII. c. 19, s. 591, par. 3. Public bathing houses.

#### *Census.*

4. For taking a census of the inhabitants. 3 Edw. VII. c. 19, s. 533, par. 1. Local census.

#### *Charitable*

(s. 398.)

*Charitable Institutions, etc.*Aid to  
charities.

5. For granting aid to any charitable institution or out-of-door relief to the resident poor. 3 Edw. VII. c. 19, s. 588, par. 2.

*Crimes—Discovery of.*Rewards for  
apprehension  
of criminals.

6. For offering and paying rewards for the discovery, apprehension and conviction of persons who have or are believed or suspected to have committed flagrant crimes or to have contravened clause (g) of section 138, or to have been guilty of personation as defined by *The Dominion Election Act* or by *The Ontario Election Act* within the municipality, 3 Edw. VII. c. 19, ss. 593 and 594, *redrafted*.

*Drainage.*Construc-  
tion of  
drains,  
sewers,  
sewage-dis-  
posal works,  
etc.

7. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or water-courses; providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; making all necessary connections therewith, and acquiring land in or adjacent to the municipality for any of such purposes. 3 Edw. VII. c. 19, s. 554, par. 1, *part redrafted*.

*Driving or Riding on Roads and Bridges.*Regulating  
driving on  
roads and  
bridges.

8. For regulating the driving of horses or cattle and the riding of horses on highways and bridges. 3 Edw. VII. c. 19, s. 559, par. 7.

Prohibiting  
racing on  
highways.

9. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges. 3 Edw. VII. c. 19, s. 559, par. 8.

*See section 404, par. 3, as to setting apart streets in cities of 100,000 population for fast driving.*

*Electors—Submitting Questions to.*Submission  
of questions  
of general  
policy to  
electors.

10. For submitting to the vote of the electors of any municipal question not specifically authorized by law to be submitted. 3 Edw. VII. c. 19, s. 533, par. 1a; 9 Edw. VII. c. 74, s. 1, *amended*.

*Exhibitions*

(s. 398.)

*Exhibitions.*

11. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same. <sup>Acquiring land for agricultural exhibitions, etc.</sup>

12. For leasing for any period not exceeding three years from the making of the lease, any part of the land acquired under paragraph 11, which is not immediately required for the purposes for which it was acquired. 3 Edw. VII. c. 19, s. 576, pars. 3-6, *redrafted*. <sup>Power to lease.</sup>

*Fat Stock and Other Shows and Exhibitions.*

13. For granting or lending money or granting land in aid of any association, for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments. 3 Edw. VII. c. 19, s. 591, par. 1, *amended*. <sup>Aid to fat or live stock shows.</sup>

*Ferry Boats and Ferries.*

14. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario. 9 Edw. VII. c. 73, s. 27. <sup>Grants to ferries.</sup>

*Fire Engines and Appliances.*

15. For purchasing or renting for a term of years or otherwise, fire engines, fire apparatus, and fire appliances and their appurtenances. 3 Edw. VII. c. 19, s. 543, *part*. <sup>Purchasing or renting fire engines, etc.</sup>

*Flooding—Prevention of.*

16. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening, or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water. 3 Edw. VII. c. 19, s. 563a (1), *part redrafted*. <sup>Works for prevention of damage by flooding.</sup>

*Free*

(s. 398.)

*Free Libraries.*Public  
libraries.

17. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality. 3 Edw. VII. c. 19, s. 591, par. 4; 8 Edw. VII. c. 48, s. 18.

*Foxes and other Wild Animals—Destruction of.*Bounties for  
destruction  
of foxes, etc.

18. For giving bounties not exceeding \$5 per head for the destruction of foxes and other wild animals which kill or destroy poultry. 3 Edw. VII. c. 19, s. 592, par. 1.

*Harbours, Wharfs, Beacons, etc.*Aid for  
construction  
of harbours,  
wharfs,  
etc.

19. For granting aid for the construction of harbours, wharfs, docks, slips and beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient. 3 Edw. VII. c. 19, s. 591, par. 6, *part redrafted*.

Making, etc.,  
of wharfs,  
docks, etc.

20. For making, improving and maintaining public wharfs, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof. 3 Edw. VII. c. 19, s. 562, par. 1.

Regulating  
harbours.

21. For regulating harbours.

Injuring,  
filling up,  
etc.,  
of harbours,  
wharfs.

22. For prohibiting the injuring, fouling, filling up or encumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.

Beacons.

23. For erecting and maintaining beacons.

Erecting  
docks,  
elevators.

24. For erecting and renting wharfs, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels.

Vessels, etc.

25. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master.

Harbour  
dues.Removal of  
doorsteps,  
railings,  
projecting  
over wharf,  
work, etc.

26. For requiring the owner or occupant of the land in connection with which the same exist, to remove door-steps, porches, railings, or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water. 3 Edw. VII. c. 19, s. 562, pars. 2 to 9, *amended*.

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*Hospitals, etc.*

27. For granting aid to any incorporated society or any association of individuals for the erection, establishment or equipment of public hospitals for the treatment of persons suffering from disease or from injuries. 4 Edw. VII. c. 22, s. 25.

Aiding  
erection,  
etc., of  
hospitals.

*Indigent Persons—Aid of.*

28. For aiding in maintaining any indigent inhabitant of, or person found in the municipality, at a house of refuge, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character.

Aiding  
indigent  
persons.

- (a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or security on such land for the amount advanced or expended, and on the death of such person, or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of six per cent. per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand. 3 Edw. VII. c. 19, s. 588, par 1, *redrafted*.

Power to  
take security  
for  
advances  
made to  
persons  
by way of  
charity.

*Municipal Officers.*

29. For appointing such pound-keepers, road commissioners, pathmasters, fence-viewers, overseers of highways, road surveyors, inspectors of sheep worried or killed by dogs, and other officers in addition to those specially mentioned in this Act and such servants as may be deemed necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of this Legislature or by-law of the council. 3 Edw. VII. c. 19, s. 537, par. 1, *part redrafted*.

Appointing  
certain  
officers.

30. For fixing their remuneration and prescribing their duties, and the security to be given for the performance of them. 3 Edw. VII. c. 19, s. 537, par. 2.

Fixing fees,  
duties and  
security of.



(s. 398.)

*Ontario Municipal Union.*

Membership  
in union of  
municipali-  
ties.

31. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business. 7 Edw. VII. c. 40, s. 19, *amended*.

*Public Parks and Drives.*

Acquiring  
land for  
parks, etc.

32. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality, and where there is no Board of Park Management for exercising all or any of the powers which are by *The Public Parks Act* conferred on Boards of Park Management. 3 Edw. VII. c. 19, s. 576, par. 1, *amended*.

Where land  
expropriated  
is in an  
adjoining  
municipality

(a) A corporation which expropriates land in another municipality, under the powers conferred by this paragraph shall put the land in an efficient state to be used, and open the same to the general public, for the purpose for which it was acquired, within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair and shall provide police protection therefor. 3 Edw. VII. c. 19, s. 576, par. 2, *amended*.

33. For accepting and taking charge of land, within or without the municipality, dedicated as a public park for the use of the inhabitants of the municipality. 3 Edw. VII. c. 19, s. 576, par. 3, *last part*.

*Rifle Associations—Militia.*

Aid to rifle  
associations  
and militia.

34. For aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature.

35. For adding to the sum paid, during the period of annual or other authorized drill or when on active service, to any enlisted member of any corps of Active Militia organized within the municipality.

36. For providing military outfit or equipment for the members of such corps. 3 Edw. VII. c. 19, s. 591, par. 7; 7 Edw. VII. c. 40, s. 18.

*Sidewalks*

(s. 398.)

*Sidewalks, etc.—Vehicles on.*

37. For prohibiting carriages, waggons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians, and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment or for public recreation. 3 Edw. VII., c. 19, s. 560.

Prohibiting vehicles on sidewalks, etc.

*Victorian Order of Nurses.*

38. For granting aid to the Victorian Order of Nurses. 3 Edw. VII. c. 19, s. 590.

Aid to Victorian Order of Nurses.

*Water for Fire Purposes.*

39. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable; and for renting hydrants for any number of years not, in the first instance, exceeding ten; and for renewing the contract from time to time for periods not exceeding ten years, as the council may deem proper; or for purchasing or erecting hydrants necessary for any of such purposes. 3 Edw. VII. c. 19, s. 543, part.

Contracts for supply of water.

*Watering Streets.*

40. For contracting with a street railway company for watering any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. 7 Edw. VII. c. 40, s. 14.

Contracts with street railway companies for street watering.

**399.** By-laws may be passed by the councils of local municipalities

*Bathing in Public Waters.*

1. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality. 3 Edw. VII. c. 19, s. 549, par. 8.

Bathing.

*Charivaries*

(s. 399.)

*Charivaries.*

**Charivaries.** 2. For prohibiting charivaries and other like disturbances of the peace. 3 Edw. VII. c. 19, s. 586, par. 9, *part*.

*Closet Accommodation for Workmen.*

**Conveniences to be provided by builders.** 3. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide, for the use of the workmen employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them. 5 Edw. VII. c. 22, s. 24.

*Cows and other Animals—Keeping of.*

**Keeping of cows and other animals.** 4. For regulating the keeping of cows, goats, swine and other animals.

5. For prohibiting the keeping of cows, goats, swine or other animals, except horses or mules, within the municipality or within defined areas of it. 3 Edw. VII. c. 19, s. 586, par. 7.

*Contagious Diseases.*

**Contagious diseases.** 6. For providing blank forms for recording and reporting cases of contagious or infectious disease; for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases. 3 Edw. VII. c. 19, s. 553, par. 2, *amended*.

*Cruelty to Animals, Etc.*

**Cruelty to animals.** 7. For preventing cruelty to animals and the destruction of birds. 3 Edw. VII. c. 19, s. 540, par. 4, *part*.

*Disorderly Houses.*

**Disorderly houses, etc.** 8. For suppressing disorderly houses and houses of ill-fame. 3 Edw. VII. c. 19, s. 549, par. 3.

*Disqualification of Electors not paying Taxes.*

**Disqualifying electors in arrear for taxes.** 9. For disqualifying from voting an elector who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him. 3 Edw. VII. c. 19, s. 535, par. 1.

*Drainage*

(s. 399.)

*Drainage of Cellars, Privy Vaults, Etc.*

10. For regulating the construction of cellars, sinks, cess-pools, water closets, earth closets, privies and privy vaults; Construction of cellars, drains, etc. for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

11. For requiring the use within the municipality or a Dry earth closets. defined area of it of dry earth closets.

12. For providing that the cleaning and disposing of the Expenses of cleaning closets, etc. contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

(a) For such purpose the corporation, its officers and servants shall have all the powers of the local board of health and its officers and servants, and such expense shall be recoverable in the manner provided by section 500.

13. For requiring and regulating the filling up, draining, Filling up, draining, etc., cleaning, clearing of any grounds, yards and vacant lots and grounds, yards, etc. the altering, relaying or repairing of private drains.

14. For making any other regulations for sewerage or Regulations for sewerage, etc. drainage that may be deemed necessary for sanitary purposes. 3 Edw. VII. c. 19, s. 551, pars. 1-3 and 5, *amended*.

*Egress from Buildings.*

15. For regulating, subject to the provisions of *The Egress* Doors of public buildings. *from Public Buildings Act* and *The Ontario Factories Act*:—

(a) The size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;

(b) The construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;

(c) The materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and

(d)

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- (d) For requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose. 3 Edw. VII. c. 19, s. 541, par. 2, *redrafted*.

Obstruction  
of halls,  
aisles, etc.

16. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage. 3 Edw. VII. c. 19, s. 541, par. 3, *part*.

Powers of  
police offi-  
cers as to  
seeing that  
by-laws  
enforced.

- (a) While any building mentioned in clause (a) of paragraph 15 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting, or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro. 3 Edw. VII. c. 19, s. 541, par. 3 *part*; Edw. VII. c. 22, s. 18.

### *Electricity—Transmission of.*

Laying of  
pipes or  
conduits  
on streets.

Transmis-  
sion of  
electricity.

17. Subject to *The Municipal Franchises Act* for authorizing any person supplying electricity for light, heat and power, to lay down pipes or conduits for enclosing wires for the transmission of electricity under the highways or public squares, or to carry wires for the transmission of electricity or to erect telegraph, and telephone poles and wires across or along any highway or public square, on such terms and conditions as the council may deem expedient.

- (a) A by-law shall not be passed under this paragraph in violation of any agreement of the corporation. 3 Edw. VII. c. 19, s. 566a, *part amended*.

### *Explosives—Keeping, Manufacturing and Storing of.*

Regulating,  
storing and  
transporta-  
tion of ex-  
plosives.

18. For regulating the keeping, storing and transporting
- (a) Dynamite, dualin, nitro-glycerin, or gunpowder;
  - (b) Petroleum, gasoline or naphtha; and
  - (c) Other dangerous or combustible, inflammable or explosive substances;

(s. 399.)

19. For regulating and providing for the support by fees <sup>Fees for support of</sup> of magazines belonging to private persons for the storage <sup>magazines.</sup> of the substances mentioned in clause (a) of paragraph 18, and for requiring them to be stored in such magazines.

20. For erecting and maintaining within or without the <sup>Erecting and main-</sup> limits of the municipality magazines for the storage of the <sup>taining</sup> substances mentioned in clause (a) of paragraph 18, and <sup>magazines.</sup> for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

21. For limiting the quantity of the substances mentioned <sup>Limiting</sup> in clause (a) of paragraph 18, which may be kept in any <sup>quantity to</sup> place other than such a magazine, and for regulating the <sup>be kept.</sup> manner in which the same are to be kept or stored.

22. For prohibiting or regulating the establishment within <sup>Prohibiting</sup> the municipality of factories or other places for the manu- <sup>manufac-</sup> facture or storage of any of the substances mentioned in <sup>ture of</sup> clause (a) of paragraph 18. <sup>explosives.</sup>

23. For requiring the submission of plans of the premises <sup>Submission</sup> including the buildings upon or in which it is proposed that <sup>of plans of</sup> such manufacture or storage shall take place, and the ap- <sup>premises.</sup> proval of them by the council before the manufacture or storing is commenced.

24. For requiring such buildings to be surrounded by <sup>Height and</sup> walls or fences and for regulating the height and description <sup>description</sup> of such walls or fences and their distance from such build- <sup>of fences</sup> ings, and also the distance from any other building, at which <sup>around</sup> such manufacture or storage may be carried on. <sup>buildings.</sup>

25. For regulating the carrying on of the business of <sup>Regulating</sup> manufacturing or storing such substances, whether the busi- <sup>business of</sup> ness has been heretofore or shall be hereafter established, <sup>manufac-</sup> and prescribing the precautions to be taken for the preven- <sup>turing ex-</sup> tion of fires and accidents from the combustion or explosion <sup>plosives.</sup> of such substances.

26. For granting licenses for the carrying on of the busi- <sup>Licenses</sup> ness of manufacturing such substances or for storing them <sup>for carry-</sup> in quantities of more than twenty-five pounds, and prescrib- <sup>ing on</sup> ing the time, not exceeding five years, during which the <sup>business.</sup> licenses shall remain in force.

(a) The license fee shall not exceed \$25 a month for every month in which such business shall be carried on. 3 Edw. VII. c. 19, s. 542, pars. 17-17d, redrafted.

(s. 399.)

Prohibiting,  
etc., storing  
of gasoline,  
etc.

27. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances. 3 Edw. VII. c. 19, s. 542, par. 17e; 10 Edw. VII. c. 85, s. 10, *amended*.

#### *Fences.*

Height and  
kind of  
fence.

28. For prescribing the height and description of lawful fences.

Along  
highways.

29. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down fences along highways or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Division  
fences, ap-  
portionment  
of cost.

10 Edw. VII.  
c. 37.  
3 Geo. V.  
c. 67.

30. For determining how the cost of division fences shall be apportioned; and for providing that any amount so apportioned shall be recoverable under *The Ontario Summary Convictions Act*;

(a) Until a by-law is passed, *The Line Fences Act* shall apply.

Barbed wire  
fences.

31. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be provided by the owner of the land; and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

Water  
gates.

32. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse. 3 Edw. VII. c. 19, s. 545, par. s. 2-6, *amended*.

#### *Fire—Prevention of Accidents by.*

Providing  
against  
accidents by  
fire.

33. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding-houses, lodging-houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement. 3 Edw. VII. c. 19, s. 542, par. 14, cl. (a).

#### *Fire Escapes.*

Compelling  
use of fire  
escapes.

34. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings



(s. 399.)

buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places of such pattern and mode of construction as may be deemed proper; and for prohibiting the occupation of any such building unless or until such fire escapes are provided. 3 Edw. VII. c. 19, s. 542, par. 15, *redrafted*.

### *Fires in Open Air.*

35. For prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires. 3 Edw. VII. c. 19, s. 542, par. 16, *redrafted*. Prescribing times for setting fire and precautions.

### *Firearms and Fireworks.*

36. For prohibiting or regulating the discharge of guns or other firearms; and the firing and setting off of fireballs, squibs, crackers or fireworks. 3 Edw. VII. c. 19, s. 586, par 9. Discharge of firearms, fireworks, etc.

### *Food.*

37. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal. 5 Edw. VII. c. 22, s. 23; 1 Geo. V. c. 69, s. 14 (1). Regulating the delivery or exposure for sale of meat, etc.

38. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops. Inspection of milk and provisions.

39. For authorizing the seizing and destroying of tainted and unwholesome articles of food. 3 Edw. VII., c. 19. s. 550, pars. 1-2; 1 Geo. V. c. 69, s. 14 (1). Seizing Tainted food.

### *Gambling Houses, etc.*

40. For suppressing gambling houses, and for seizing and destroying faro-bank, rouge et noir, or roulette tables, and other devices for gambling found in them. 3 Edw. VII. c. 19, s. 549, par. 4. Gaming.

(s. 399.)

*Gas Works, Tanneries, Distilleries, etc.*Gas works,  
distilleries,  
etc.

41. For prohibiting or regulating the erection or continuance of gas works, tanneries, or distilleries or other manufactories or trades which in the opinion of the council may prove to be or may cause nuisances. 3 Edw. VII. c. 19, s. 586, par. 3.

*Graves—Protection of.*Protecting  
graves.

42. For prohibiting the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred. 3 Edw. VII. c. 19, s. 547, par. 1.

*Hoists, Scaffolds, etc.*Construction  
of hoists,  
scaffolding,  
etc.

43. For regulating and inspecting the construction and erection of hoists, scaffoldings and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures; and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding. 3 Edw. VII., c. 19, s. 541, par. 1.

(*As to appointment of inspectors under The Buildings Trades Protection Act and as to additional scaffold regulations. See 1 Geo. V. c. 71, ss. 3 and 7.*)

*Manufactures and Trades.*Noxious  
manufac-  
tures and  
trades.

44. For regulating manufactures and trades which in the opinion of the council may prove to be or may cause nuisances. 3 Edw. VII. c. 19, s. 586, par. 2.

*Noises.*Ringling of  
bells, etc.

45. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises, or noises calculated to disturb the inhabitants. 3 Edw. VII. c. 19, s. 586, par. 8.

*Nuisances.*

Nuisances.

46. For prohibiting and abating public nuisances.

(s. 399.)

47. For prohibiting the hauling of dead horses, offal, <sup>Hauling</sup> <sup>dead horses,</sup> night soil or any other offensive matter or thing along any <sup>etc., through</sup> highway during the hours of daylight. 3 Edw. VII. c. 19, <sup>the streets in</sup> daylight. s. 586, pars. 1-1a.

*Placards, etc.—Indecent.*

48. For prohibiting the posting or exhibition of placards, <sup>Indecent</sup> <sup>placards, etc.</sup> play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. 3 Edw. VII. c. 19, s. 549, par. 1.

*Plays—Immoral or Indecent.*

49. For prohibiting the production or giving of an im- <sup>Immoral</sup> <sup>plays in</sup> <sup>theatres.</sup> moral or indecent play or performance in any theatre, hall or other public place of amusement or entertainment, and for authorizing the chief constable, the deputy chief constable or any inspector of police, or any officer or person specially detailed for that purpose, to enter any theatre, hall or other place of public amusement or entertainment, and if at his request such play or performance is not forthwith stopped, to apprehend the performers without warrant, and to take them as soon as practicable before a Police Magistrate or a Justice of the Peace. 3 Edw. VII. c. 19, s. 549, par. 8a, *redrafted.*

*Poles and Wires.*

50. Subject to *The Municipal Franchises Act* for regulat- <sup>Electric</sup> <sup>light, etc.,</sup> <sup>poles and</sup> <sup>wires.</sup> ing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity upon the highways or else- <sup>2 Geo. V.</sup> <sup>c. 42.</sup> where within the municipality. 6 Edw. VII. c. 34, s. 20.

51. Subject to *The Power Commission Act* for construct- <sup>By-laws for</sup> <sup>laying pipes</sup> <sup>or conduits</sup> <sup>for electric</sup> <sup>wires.</sup> ing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose; <sup>Geo. V.</sup> <sup>c. 12.</sup> across or along any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon. 7 Edw. VII. c. 40, s. 13, *redrafted.*

*Pounds, etc.*

52. For providing sufficient yards and enclosures for the <sup>Providing</sup> <sup>pounds.</sup> safe keeping of such animals as it may be the duty of the pound-keeper to impound.

(s. 399.)

Animals  
running at  
large.

53. For prohibiting or regulating the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

Appraising  
the  
damages.

54. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

Compensa-  
tion for  
impounding  
animals.

55. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 3 Edw. VII., c. 19, s. 546. *See 2 Geo. V. c. 66.*

*Sewers—Extension of.*Extension of  
sewers into  
adjoining  
municipal-  
ity.

56. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon, or in case of failure to agree, as may be determined by arbitration.

Arbitrators  
to determine  
conditions  
on which  
connections  
may be  
made.

(a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrators shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal which is contemplated, and whether the extension or connection should be allowed to be made.

2 Geo. V.  
c. 74.

(b) Nothing in this paragraph shall authorize the making of an open drain or sewer, or affect the provisions of *The Ditches and Watercourses Act*, or limit any of the powers conferred on townships by that Act. 3 Edw. VII. c. 19, s. 555; 4 Edw. VII. c. 22, s. 21, *redrafted*.

*Signs, Etc.*

Posters.

57. For prohibiting or regulating the erection of signs or other advertising devices, and the posting of notices on buildings or vacant lots.

Pulling  
down of  
signs and  
notices.

58. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed. 3 Edw. VII. c. 19, s. 547, pars. 4-5.

*Slaughter*

(s. 399.)

*Slaughter Houses.*

59. For establishing and maintaining public slaughter <sup>Establishing slaughter</sup> houses. <sup>houses.</sup>

60. For prohibiting or regulating and inspecting the <sup>Prohibiting and regul-</sup> erection or continuance of slaughter houses, and for prohibit- <sup>ating.</sup> ing the slaughter of animals intended for food, except in slaughter houses designated in the by-law.

(a) In towns, villages and townships this clause shall not apply to the slaughter of animals for the use of the person killing them or of his family.  
3 Edw. VII. c. 19, s. 586, par. 4, *amended*.

*Snow and Ice—Removal of.*

61. For requiring the occupants of buildings adjoining <sup>Clearing away snow</sup> a highway in the municipality or in any defined area of it <sup>and ice</sup> to clear away and remove the snow and ice from the <sup>from roofs</sup> roofs of such buildings and from the sidewalks adjoining <sup>and side-</sup> their premises, and for regulating the times when and the <sup>walks.</sup> manner in which the same shall be done.

62. For clearing away and removing snow and ice from <sup>Case of</sup> the roofs of unoccupied buildings adjoining a highway and <sup>unoccupied</sup> from the sidewalks adjoining the premises and adjoining <sup>buildings</sup> vacant land in the municipality or in any defined area <sup>and vacant</sup> of it at the expense of the owner, and for collecting <sup>land.</sup> or recovering the expenses incurred in so doing in the manner provided by section 500. 3 Edw. VII. c. 19, s. 559, pars. 1-2, *redrafted*.

*Sparring Exhibitions, etc.*

63. For prohibiting sparring exhibitions and boxing <sup>Sparring</sup> matches, where an admission fee is charged, without the <sup>exhibitions</sup> written permission of the chief constable in a city or town, <sup>and boxing</sup> or of the reeve in townships and villages. 3 Edw. VII. c. 19, s. 549, par. 9a. <sup>matches.</sup>

*Steam Transmission.*

64. For authorizing any person supplying steam for heat <sup>Transmit-</sup> or power to lay down pipes or conduits for transmitting <sup>ting steam</sup> steam under the highways or public squares, on such terms <sup>under</sup> and conditions as the council may deem expedient. <sup>highways.</sup>

(a)

(s. 399.)

- (a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation. 3 Edw. VII. c. 19, s. 566a, *part*.

*Vagrants, etc.*

Vagrants. 65. For restraining and punishing vagrants, mendicants, and persons found drunk and disorderly in any highway or public place. 3 Edw. VII. c. 19, s. 549, par. 6, *part*.

*Vice—Preventing.*

Vice, drunkenness, etc. 66. For preventing vice, drunkenness, profane swearing, indecent, obscene, blasphemous or grossly insulting language, and other immorality and indecency, and the indecent public exposure of the person. 3 Edw. VII. c. 19, s. 549, pars. 2, 7.

*Watercourses and Drains—Obstruction of.*

Obstruction of drains. 67. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges which cross any drain or watercourse situate on a public highway. 3 Edw. VII. c. 19, s. 562, par. 11.

*Water Closets, Privy Vaults, etc.—Filling up.*

Closing and filling up cesspools, etc. 68. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cess-pools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health. 3 Edw. VII. c. 19, s. 551, par. 4.

*Weeds.*

Prevention of growth of thistles and weeds. 69. For prohibiting the growth of Canada thistles and other weeds detrimental to husbandry and for compelling the destruction thereof; for appointing an inspector to enforce the by-law, and for prescribing his duties and fixing his remuneration. 3 Edw. VII. c. 19, s. 537, par. 4. *part*; s. 547, par. 2.

*Wells and Water.*

Cleaning and prohibiting fouling of wells, etc. 70. For establishing, protecting, regulating and cleaning public and private wells, reservoirs and other public and private conveniences for the supply of water; for prohibiting the fouling of them, or the wasting of the water, and for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water.

(s. 399.)

71. For the closing or filling up of public or private wells. <sup>Filling up wells.</sup>

72. For compelling the use within the municipality or any defined area therein, for drinking and domestic purposes, of water supplied from the water-works of the municipality or of a water-works company; and for prohibiting the use within the municipality or such area of spring or well water for such purposes. 3 Edw. VII. c. 19, s. 550, pars. 5, 6, *amended*. <sup>Compelling use of water supply.</sup>

**400.** By-laws may be passed by the councils of urban municipalities.

### *Bathing and Boat-Houses—Inspection of.*

1. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes; and for prohibiting their use for illegal or immoral purposes. 3 Edw. VII. c. 19, s. 549, par. 10. <sup>Inspection of bathing and boat houses.</sup>

### *Begging.*

2. For prohibiting common begging or persons from importuning, in the highways or public places, others for help or for aid in money, and deformed, malformed, or diseased persons from exposing themselves, or being exposed there, to excite sympathy or for the purpose of obtaining help or assistance. 3 Edw. VII. c. 19, s. 586, par. 10. <sup>Prevention of begging, etc.</sup>

### *Borrowing Money for Certain Purposes Without Assent of Electors.*

3. Where the corporation of an urban municipality has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy or sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, for borrowing such further sums as may be necessary to extend or improve such works. <sup>Borrowing money for extension of water, gas, electric light works, etc.</sup>

(a) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board. <sup>When assent of electors not required.</sup>

(b) Such approval may be given if it is shown to the satisfaction of the Board that the extension is necessary, and that a sufficient additional revenue <sup>Approval of Board, conditions precedent.</sup>

will



(s. 400.)

will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon, or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Provincial Board of Health. 6 Edw. VII. c. 34, s. 21; 7 Edw. VII. c. 40, s. 15; 9 Edw. VII. c. 73, s. 22, *redrafted*.

- (c) This paragraph shall not apply to works required by the Provincial Board of Health to be established, improved, extended, enlarged, altered or renewed or replaced. *New*.

*Buildings—Strength of Walls, Beams, etc.*

Size and strength of walls, etc., and production of plans.

4. For regulating the size and strength of brick, stone, cement and concrete walls, and of the beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees. 3 Edw. VII. c. 19, s. 541, par. 4; 6 Edw. VII. c. 34, s. 17 (1); 2 Geo. V. c. 40, s. 9.

*Cab Stands and Booths.*

Cab stands.

5. For authorizing and assigning stands on the highways and in public places for vehicles kept for hire; and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places, for the protection or shelter of the drivers of such vehicles.

- (a) No such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land. 3 Edw. VII. c. 19, s. 559, par. 3.

*Cellars—Plans of.*

Ascertaining levels of cellars, etc.

6. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

(s. 400.)

7. For requiring to be deposited with an officer named <sup>Compelling the furnish-  
ing of  
ground or  
block plan of  
buildings to  
be erected.</sup> in the by-law, before the erection of a building is commenced, a ground or block plan of the building, with the levels of the cellars and basements, with reference to a line fixed by by-law. 3 Edw. VII. c. 19, s. 554, pars. 2-3, *amended*.

*Children Riding behind Vehicles.*

8. For prohibiting children from riding on the platforms <sup>Prohibiting  
children  
from riding  
behind wag-  
gons, etc.</sup> of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. 3 Edw. VII. c. 19, s. 540, par. 5.

*Coasting and Tobogganing.*

9. For prohibiting or regulating coasting or tobogganing <sup>Coasting  
and tobog-  
ganing.</sup> on the highways. 3 Edw. VII. c. 19, s. 540, par. 6.

*Drainage Purposes—Acquiring Land in Another Municipality for.*

10. For acquiring, with the consent of the council thereof, <sup>Acquiring  
land in an-  
other munici-  
pality for  
drainage  
purposes.</sup> land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired. 3 Edw. VII. c. 19, s. 554, par. 4.

*Drill Sheds and Armouries.*

11. For acquiring land in the municipality for a drill <sup>Site for  
drill shed  
or armoury.</sup> shed or armoury for any militia or volunteer corps having its headquarters in the municipality. 3 Edw. VII., c. 19, s. 534, par. 4, *redrafted*.

*Elevators, Hoists, etc.*

12. Subject to *The Ontario Factories Act* and any other <sup>Erection of  
hoists and  
elevators.</sup> Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in build- <sup>3-4 Geo. V.  
c. 60.</sup> ings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees. 3 Edw. VII. c. 19, s. 541, pars. 5, 6, *redrafted*.

*Fire*

(s. 400.)

*Fire Engines, etc.—Right of Way on Highways.*

Right of  
way on  
streets  
for fire  
reels.

13. For providing that the reels, engines and vehicles of the Fire Department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call. 1 Geo. V., c. 57, s. 11.

*Firemen, etc.*

Establish-  
ing fire  
companies,  
etc.

14. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire hook-and-ladder, and property saving companies. 3 Edw. VII., c. 19, s. 537, par. 6.

*Firemen, etc.—Medals, Rewards and Gratuities to.*

Rewards to  
firemen and  
persons dis-  
tinguishing  
themselves  
at fires

15. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as firemen. 3 Edw. VII. c. 19, s. 592, par. 2.

*Fires—Prevention of.*

Erection of  
buildings,  
etc.

16. For regulating the construction, alteration or repairs of buildings. 3 Edw. VII. c. 19, s. 542, par 1, cl. (a); 1 Geo. V. c. 57, s. 9.

Wooden  
buildings.

17. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined areas of the municipality.

Kind of  
walls.

18. For prohibiting the erection or placing within defined areas of buildings or additions to them with main walls other than of brick, cement, concrete, iron or stone, and roofing of other than incombustible material.

Repairs to  
existing  
buildings.

19. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire-proof.

(s. 400.)

20. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law. <sup>Pulling down, etc., buildings illegally erected.</sup>  
 3 Edw. VII. c. 19, s. 542, par. 1, cls. (b-e); 6 Edw. VII. c. 34, s. 17 (2-3).

21. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition as regards danger from fire or risk of accident. <sup>Pulling down buildings in ruinous state.</sup>  
 2 Geo. V. c. 40, s. 11.

22. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire. <sup>Fire in stables, etc.</sup>

23. For prohibiting or regulating the carrying on of manufactures or trades which may be deemed dangerous in causing or spreading fire. <sup>Dangerous manufactories.</sup>  
 3 Edw. VII. c. 19, s. 542, pars. 2, 3.

24. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus which is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it. <sup>Inspecting and regulating electric wires, etc.</sup>  
 3 Edw. VII. c. 19, s. 542, par. 3a; 9 Edw. VII. c. 73, s. 19.

25. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things which may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law. <sup>Construction of chimneys, fireplaces, etc.</sup>

26. For regulating the construction as to dimensions and otherwise, and for enforcing the proper cleaning of chimneys. <sup>Dimensions and cleaning of chimneys.</sup>

27. For regulating the mode of removal and safe keeping of ashes. <sup>Removal of ashes.</sup>

28. For regulating and enforcing the erection of party walls. <sup>Erection of party walls.</sup>

29. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof. <sup>Scuttles, ladders, etc., to houses.</sup>

(s. 400.)

**Guarding buildings against fire.** 30. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.

**Fire buckets.** 31. For requiring each inhabitant to provide as many fire buckets, in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires.

**Inspection of premises.** 32. For authorizing appointed officers to enter at all reasonable times upon any property, in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the same.

**Preventing spreading of fire.** 33. For suppressing fires, and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire.

**Enforcing assistance at fires.** 34. For regulating the conduct and enforcing the assistance of persons present, and for the preservation of property at fires. 3 Edw. VII. c. 19, s. 542, pars. 4-13.

**Regulations.** 35. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary. *New.*

*Harbours, Wharfs, Waters, etc.—Removal of Obstructions from.*

**Removal of sunken vessels, etc., from harbours, etc.** 36. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same. 3 Edw. VII. c. 19, s. 562, par. 10.

*Milk and Bread Tickets, etc.*

**Milk and bread tickets.** 37. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread, or other articles of food. 3 Edw. VII. c. 19, s. 586, par. 11.

*Naming and Surveying Streets.*

**Marking the boundaries of and naming streets, etc.** 38. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property:

(a)

(s. 400.)

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division. <sup>Proceedings for changing names of streets.</sup>
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a Judge of the County or District Court of the County or District in which the municipality is situate.
- (c) The Judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the Judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the Judge may direct.
- (e) If the Judge approves of the change he shall so certify, and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration. 3 Edw. VII., c. 19, s. 532, par. 2; 9 Edw. VII., c. 73, s. 16.

### *Numbering Houses and Lots.*

39. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot. <sup>Numbering houses, etc.</sup>

- (a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

*Numbers*

(s. 400.)

*Numbers and Record of Streets.*Record of  
streets,  
numbers,  
etc.

40. For keeping (and every such council shall keep) a record of the highways and of the numbers of the buildings and lots, and for entering therein (and every such council is hereby required to enter therein) a division of the streets with boundaries and distances for public inspection. 3 Edw. VII. c. 19, s. 532, pars. 3, 4.

*Pits and Quarries.*Pits and  
quarries.

41. For prohibiting the making of pits and quarries in the municipality or regulating the location of them.

(a) The making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation. 8 Edw. VII. c. 48, s. 9.

*Runners.*Importuning  
travellers.

42. For prohibiting persons from importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any tavern or boarding house, or for regulating persons so employed. 3 Edw. VII. c. 19, s. 583, par. 27.

*Sewer Rents.*Sewer  
rents.

43. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it; for regulating the time and manner in which the rent is to be paid; for providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest. 3 Edw. VII. c. 19, s. 539, par. 2.

(a) This paragraph shall not apply to a sewer constructed as a local improvement. *New.*

*Sidewalks—Horses and Cattle upon.*Driving, etc.,  
upon side-  
walks.

44. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor. 3 Edw. VII. c. 19, s. 559, par. 9.

*Smoke Prevention.*Smoke  
prevention.

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or  
fire



(s. 400.)

fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

- (a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, or to dwelling houses, except apartment houses;
- (b) No person shall incur a penalty for an infraction of the by-law committed before he has had 90 days' written notice from the corporation of the existence of it. 7 Edw. VII. c. 40, s. 17; 8 Edw. VII. c. 48, s. 17, *redrafted*.

*Spitting on Sidewalks, etc. .*

46. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances, and in such other public places as may be designated in the by-law. 3 Edw. VII. c. 19, s. 553, par. 4.

*Stables, etc.*

47. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits. 9 Edw. VII. c. 73, s. 18, *amended*.

*Trading Stamps, Coupons, etc.*

48. For prohibiting the giving, selling, or distributing of or the dealing with trading stamps, coupons, or other similar devices, by any person engaged in trade or business or the receiving of them.

- (a) The by-law shall not apply to a merchant or manufacturer who places in or upon packages of goods or delivers to purchasers of goods sold or manufactured by him at the time of the purchase, tickets or coupons, which state upon their face the place of delivery thereof, and the cash or merchantable value of them, and are redeemable at any time, but only by the merchant or manufacturer giving them and at the place where such goods were sold or purchased. 3 Edw. VII. c. 19, s. 583, par. 41; 5 Edw. VII. c. 22, s. 27.

*Traffic*

(s. 400.)

*Traffic on Highways, etc., Driving of Cattle, etc.*

Regulating  
traffic on  
streets and  
width of  
wheels.

49. For regulating traffic in the highways and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; and for prohibiting heavy traffic and the use of traction engines and the driving of cattle, sheep, pigs and other animals in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another. 3 Edw. VII. c. 19, s. 559, par. 5.

*Watchmen.*

Appointment  
of night-  
watchmen.

50. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway, to be defined by the by-law, and to guard and protect property.

Special rate  
for ex-  
penses.

(a) For levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night-watchmen.

Petition by  
ratepayers.

(b) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.

Proof of  
signatures.

(c) A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit.

Liability of  
tenant.

(d) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant shall be liable for the expenses for the period of his occupation. 3 Edw. VII., c. 19, s. 548, par. 2.

When owner  
not to  
petition.

(e) When land is occupied by a tenant the owner shall not be entitled to petition. *New.*

*Vacant Lots—Enclosure of.*

Vacant lots.

51. For requiring vacant lots to be properly enclosed. 3 Edw. VII. c. 19, s. 545, par. 1.

*Markets*

*Markets, etc.*

**401.** Subject to the next succeeding section by-laws may be <sup>Market</sup> ~~passed by the councils of urban municipalities.~~ <sub>by-laws.</sub>

1. For establishing, maintaining and regulating markets. <sup>Establishing</sup> ~~markets.~~ <sub>markets.</sub>
2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, <sup>Regulating</sup> ~~vegetables, grain, hay, fruit, beverages, smallwares and other~~ <sub>vending in streets, etc.</sub> articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.
3. For regulating the place and manner of selling <sup>Sale of grain,</sup> ~~and weighing grain, meat, vegetables, fish, hay, straw, and~~ <sub>meat, farm produce, smallware, etc.</sub> other fodder, wood, lumber, shingles, farm produce, small-ware, and all other articles exposed for sale, and prescribing the fees to be paid therefor.
4. For prohibiting criers and vendors of smallwares <sup>Criers and</sup> ~~from practising their calling in the market place, or on the~~ <sub>vendors of smallwares.</sub> highways, or on vacant lots adjacent to the market place or to a highway. 3 Edw. VII. c. 19, s. 580, pars. 4-6.
5. For prohibiting the forestalling, regrating or mon- <sup>Prohibiting</sup> ~~opoly of grain, wood, meat, fish, fruit, roots, vegetables,~~ <sub>forestalling, etc.</sub> poultry, dairy products, eggs and all articles for family use, which are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly <sup>Hucksters,</sup> ~~or indirectly purchase or acquire them for re-sale.~~ <sub>etc.</sub>
- (a) Farmers and other producers may nevertheless sell <sup>Proviso.</sup> ~~such things at stores and shops at any time.~~ <sub>3 Edw. VII. c. 19, s. 580, pars. 7, 8; 9 Edw. VII. c. 73, s. 23.</sub>
6. For regulating the measuring or weighing of lime, <sup>Measuring,</sup> ~~shingles, laths, cordwood, coal and other fuel.~~ <sub>etc., certain articles.</sub>
7. For imposing penalties for light weight or short count <sup>Penalties for</sup> ~~or measurement in anything marketed.~~ <sub>light weight, etc.</sub> 3 Edw. VII. c. 19, s. 580, pars. 9, 10.
8. For seizing and forfeiting any articles, except bread, <sup>Seizing</sup> ~~of light weight or short measure.~~ <sub>articles of light weight, etc.</sub> 8 Edw. VII. c. 48, s. 13.
9. For regulating vehicles, vessels, and other things in <sup>Regulating</sup> ~~which anything is exposed for sale or marketed and for im-~~ <sub>vehicles used in market vending.</sub> posing a reasonable duty thereon, and establishing the mode in which it shall be paid.

(s. 402.)

Sale of meat  
distrained.

10. For selling, after six hours' notice, butchers' meat distrained for rent of a market stall. 3 Edw. VII. c. 19, s. 580, pars. 12, 13.

No market  
fees to be  
imposed on  
certain  
products.

**402.**—(1) No market fee shall be imposed, levied or collected, in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw or other fodder, brought to market, or upon the market place, for sale or other disposal.

When fees  
may be  
charged on  
butter, etc.,  
brought to  
market.

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer, and shelter and reasonable protection from the cold in winter, in which to expose them for sale is provided by the corporation.

Fees not to  
be charged  
on articles  
delivered in  
pursuance of  
prior contract.

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied, or collected in respect of it.

Nor on  
articles  
brought  
into municipality  
after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after ten o'clock in the forenoon, unless it is offered or exposed for sale upon the market place.

When  
articles  
need not be  
weighed or  
measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor the purchaser desires to have it weighed or measured.

Time after  
which attendance  
on market  
not required.

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Scale of  
market fees.

(7) No market fees may be imposed, levied or collected, higher than those contained in the following scale:—

On a motor vehicle or a vehicle drawn by more than one horse or other animal in which articles are brought to the market place. . . . 10 cents.

If

(s. 402.)

If the vehicle is drawn by one horse or other animal . . . . .	5 cents.
Upon a vehicle propelled or drawn by hand or a basket or vessel in which articles are brought to the market place . . . . .	2 cents.
Upon the person bringing articles to the market place by hand and not in a vehicle, basket, or vessel . . . . .	2 cents.

Upon live stock brought to the market place for sale:—

A horse, mare, or gelding . . . . .	10 cents.
A head of horned cattle . . . . .	5 cents.
A sheep, calf, or swine . . . . .	2 cents.

(8) No fees may be imposed, levied or collected for weighing or measuring, greater than those contained in the following scale:—

For weighing a load of hay . . . . .	15 cents.
For weighing slaughtered meat, or grain, or other articles exposed for sale, if weighing less than one hundred pounds . . . . .	2 cents.
If weighing more than one hundred and less than one thousand pounds . . . . .	5 cents.
If weighing more than one thousand pounds . . . . .	10 cents.

For weighing live animals, other than sheep or swine, per head . . . . .	3 cents.
For weighing sheep or pigs, if more than five, per head . . . . .	1 cent.
If less than five, for the lot . . . . .	4 cents.
For measuring a load of wood . . . . .	5 cents.

3 Edw. VII. c. 19, s. 579 (1-8), *redrafted*.

(9) Subsection 1, shall not apply to a municipality in which there is in force a by-law providing that vendors of articles in respect of which under the provisions of paragraph 3 of section 401, a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles, at any place within the municipality, excepting only at the market place.

(10) Subject to subsection 2, the council of a municipality to which subsection 9 applies, may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway which is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool

(s. 402.)

Exception  
as to sales  
to persons  
carrying on  
business  
near  
market.

wool upon such highway, but driving through or across such part of a highway shall not authorize the imposition of any market fee; nor shall any market fee be imposed in respect of an article sold to a person carrying on business and having a *bona fide* store, shop or other similar place of business on such part of a highway. 3 Edw. VII. c. 19, s. 579 (10-13), *redrafted*.

Fees not to  
be charged  
where high-  
way used as  
market.

(11) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway which is so used, but this subsection shall not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

Case of  
municipal-  
ity again  
imposing  
market fees.

(12) Subsections 9 to 11 shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 8 and 13 and 14 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Power to  
regulate sales  
when no fees  
are charged.

(13) Nothing in the preceding subsections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882;

Proviso.

(a) Market fees within the meaning of this subsection shall not include fees for weighing or measuring;

Proviso.

(b) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market places.

Inconsistent  
enactments  
not to  
apply.

(14) Whenever subsections 1 to 8 or subsections 9 to 11 of this section are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality.

(15)

(s. 402.)

(15) A corporation may sell or lease its market fees with <sup>Right to</sup> the right to collect them. 3 Edw. VII. c. 19, s. 579 (15-19), <sup>sell or</sup> ~~lease market~~ <sup>fees.</sup>  
*redrafted.*

**403.** By-laws may be passed by the councils of counties, cities and towns

*Educational Institutions—Aid to.*

1. For making grants in aid of the University of Toronto <sup>Grants to</sup> or of Upper Canada College, or of any other University <sup>universities,</sup> or colleges, <sup>historical so-</sup> College in Ontario, or of any historical, literary, or scientific <sup>cieties, etc.</sup> society.

(a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the city of Toronto, without charge.

*Endowing Fellowships.*

2. For endowing fellowships, scholarships or exhibitions, <sup>Endowing</sup> and other similar prizes, in the University of Toronto, or in <sup>fellowships,</sup> Upper Canada College, or in any other university or college <sup>etc., in uni-</sup> in Ontario, for competition among the pupils of the collegiate <sup>versities and</sup> institutes and high schools in the municipality. 3 Edw. VII. c. 19, s. 587, pars. 5-8.

3. For granting aid to art schools, approved by the De- <sup>Aid to art</sup> partment of Education. 3 Edw. VII. c. 19, s. 587, par. 12. <sup>schools,</sup>

4. For granting aid, for the erection, establishment or <sup>Aid to indus-</sup> equipment of an industrial school, to any philanthropic <sup>trial schools.</sup> society, within the meaning of *The Industrial Schools Act*, <sup>10 Edw. VII.</sup> upon the board of which the council is represented. 9 Edw. <sup>c. 105.</sup> VII. c. 73, s. 26.

*Supporting Pupils at High Schools, Universities and Colleges.*

5. For making permanent provision for defraying the <sup>Supporting</sup> expenses of the attendance at the University of Toronto or <sup>certain high</sup> at Upper Canada College, or at any other university or <sup>school pupils</sup> college in Ontario, of such of the pupils of any collegiate <sup>at universi-</sup> institute or high school of the municipality as are unable to <sup>ties, colleges,</sup> <sup>etc.</sup>

incur



(s. 403.)

incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for, competing for any scholarship, exhibition or other similar prize offered by such University or College.

Similar provision for attendance at high schools. 6. For making similar provision for the attendance at any collegiate institute or high school, for the like purpose, of pupils of public schools of the municipality.

**404.** By-laws may be passed by the councils of towns, villages and townships.

#### *Education.*

Grants to high schools.

1. For making grants in aid of, or to build, preserve, enlarge or improve any collegiate institute or high school in another municipality. 3 Edw. VII. c. 19, s. 587, par. 4.

**405** By-laws may be passed by the councils of counties and cities

#### *Horse Thieves.*

Reward for apprehension of persons guilty of horse stealing.

1. For paying on the conviction of the offender and on the order of the Judge or Police Magistrate before whom the conviction is had a reward of not less than \$20 to any person who pursues and apprehends, or causes to be apprehended, any person horse stealing within the municipality.

Proviso.

(a) The amount payable as the reward shall be in the discretion of the Judge or Police Magistrate, but shall not exceed the amount fixed by the by-law. 3 Edw. VII. c. 19, s. 595; 9 Edw. VII. c. 73, s. 28.

**406.** By-laws may be passed by the councils of cities and towns.

#### *Bicycles, etc.*

Regulating use of bicycles on highways.

1. For regulating the use on the highways of bicycles and other vehicles not drawn by horses, but not including motor vehicles. 3 Edw. VII. c. 19, s. 540, par. 7, *amended*.

#### *Dogs—Licensing of.*

Licensing dogs.

2. For licensing and requiring the registration of dogs and for imposing a license fee on the owners, possessors or harbourers of them, with the right to impose a larger fee in the cases of bitches or for each additional dog or bitch where more than one is owned, possessed or harboured by any one person or in any one household;

(a)

(s. 406.)

- (a) Where the license fee is equal to or exceeds the amount of the tax imposed by *The Dog Tax and Sheep Protection Act*, sections 3 to 8 of that Act shall not apply while the by-law remains in force, and it shall not be necessary to enter any particulars as dog taxes on the collector's roll. 1 Geo. V. c. 57, s. 8 (1), *amended*.

*Drunk and Disorderly Person.*

3. For providing that the chief constable or any member of the police force in charge of a police station to which a person is brought charged with being drunk without being disorderly may release him without bringing him before a Justice of the Peace or Police Magistrate. 3 Edw. VII. c. 19, s. 549, par. 6, *part*.

*Fuel Yards.*

4. With the approval of the Lieutenant-Governor in Council, and within the limitations and restrictions, and under the conditions prescribed by the Order-in-Council, for borrowing such sums as may be necessary for temporarily maintaining fuel yards and purchasing supplies of such fuel, and selling and disposing of them to residents of the municipality in anticipation of or during a period of such an actual or anticipated scarcity or failure of supply as may appear to create an emergency.

- (a) The by-law shall not require the assent of the electors, but shall require a vote of two-thirds of all the members of the council. 3 Edw. VII. c. 19, s. 568 (2), *redrafted*.

*Garbage Collection.*

5. For establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of ashes, garbage and other refuse, and with the approval of the Provincial Board of Health for erecting and maintaining such buildings, machinery and plant as may be deemed necessary for that purpose, or for contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse upon such terms and conditions and subject to such regulations as may be deemed expedient.

- (a) Where the amount required for the erection of such buildings, machinery and plant and for acquiring the requisite land exceeds \$5,000, the by-law shall not be finally passed without the assent of the electors entitled to vote on money by-laws. 3 Edw. VII. c. 19, s. 552 (2), (6), *part*; 10 Edw. VII. c. 85. s. 11, *redrafted*.

(s. 406.)

Special rate  
for cost of.

6. For the collection, removal and disposal by the corporation of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

No land  
exempt.

(a) No land shall be exempt from the special rate, anything in any general or special Act or in any by-law to the contrary notwithstanding.

Recovery of  
special rate.

(b) The special rate may be collected or recovered in the manner provided by section 500. 3 Edw. VII. c. 19, s. 552 (7-8); 5 Edw. VII. c. 22, s. 25, *part redrafted*.

*Laundrymen.*Licensing,  
etc., of  
laundries.

7. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries;

(a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.

(b) The by-law may provide that a license shall not be granted, if it is deemed that the location of the laundry is an undesirable one. 3 Edw. VII. c. 19, s. 583, par. 39; 7 Edw. VII. c. 40, s. 16.

*Lavatories, etc.*Maintaining  
public con-  
veniences in  
cities and  
towns.

8. For constructing and maintaining lavatories, urinals water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order. 3 Edw. VII. c. 19 s. 552 (1).

*Lifeboat Associations.*Aid to life-  
boat associa-  
tion.

9. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life saving purposes. 3 Edw. VII., c. 19, s. 591, par. 11.

*Residential Streets and Building Line.*Setting  
apart resi-  
dential  
streets.  
Fixing  
building  
line.

10. For declaring any highway or part of a highway to be a residential street, and for prescribing the distance from the line of the street in front of it at which no building on a residential street may be erected or placed.

(a)

(s. 406.)

- (a) It shall not be necessary that the distance shall be the same on all parts of the same street.
- (b) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.  
4 Edw. VII. c. 22, s. 19, *part amended*.

*Sewerage System—Management of by Commissioners.*

11. Where the sewerage system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means, for placing the management of it under a commission established under *The Public Utilities Act*.

- (a) The by-law shall not be passed without the assent of the municipal electors. 3 Edw. VII. c. 19, s. 554, pars. 1a, 1b, *redrafted*.

*Superannuation and Benefit Funds.*

12. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families. 3 Edw. VII. c. 19, s. 591, pars. 9, 10, *redrafted*.

*Surveyors and Engineers.*

13. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers. 3 Edw. VII., c. 19, s. 537, par. 5; 8 Edw. VII., c. 48, s. 25.

- (a) An engineer so appointed and his assistants shall, in the performance of their duties, possess all the powers, rights and privileges of a surveyor under *The Surveys Act*. 2 Geo. V. c. 40, s. 8. <sup>1 Geo. V. c. 42.</sup>

**407.** By-laws may be passed by the councils of towns and villages.

*Fire Engines, etc.*

1. For purchasing fire engines, apparatus or appliances and appurtenances for fire protection at a cost not exceeding \$5,000, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

- (a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a two-thirds vote of all the members of the council.  
6 Edw. VII. c. 34, s. 18, *part amended*.

*Vehicles*

(s. 407.)

*Vehicles Used for Hire, etc.—Livery and Boarding Stables*Licensing,  
etc.,  
teamsters,  
etc.

2. For licensing, regulating and governing teamsters, carters and dray men, drivers of cabs and other vehicles for hire, and regulating the charges for the conveyance of goods or for other services by them.

Licensing  
livery sta-  
bles, cabs,  
etc.

3. For licensing, regulating and governing the keepers of livery stables, and of horses and cabs, carriages, omnibuses and other vehicles used or kept for hire; for regulating the fares to be charged for the conveyance of goods or passengers, and for enforcing payment thereof;

Prohibited  
areas.

4. For defining districts within which a livery or boarding stable shall not be established. 3 Edw. VII. c. 19, s. 583, pars. 37-38, *amended*.

**408. By-laws may be passed by the councils of counties***Booms—Protection and Regulation of.*Protecting  
booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves. 3 Edw. VII. c. 19, s. 547, par. 6.

*Fences.*

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 29 of section 399 and by *The Snow Fences Act*. 3 Edw. VII. c. 19, s. 545, par. 8, *first part*.

2 Geo. V.  
c. 52.*Guaranteeing Debentures.*Guarantee-  
ing deben-  
tures.

3. For guaranteeing debentures of any local municipality in the county. 3 Edw. VII. c. 19, s. 539, par. 4.

*Poles and Wires.*Regulating  
erection of  
poles,  
towers,  
wires, etc.,  
on county  
roads.

4. Subject to *The Municipal Franchises Act* for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under, the highways, under the jurisdiction of the council. 9 Edw. VII. c. 73, s. 21.

2 Geo. V.  
c. 42.*Publicity Purposes.*Annual  
expenditure  
for diffusing  
information.

5. For expending for the purposes mentioned in section 428 and for diffusing information respecting the advantages of the county as an agricultural centre a sum not exceeding in any year \$3,000. 2 Geo. V. c. 40, s. 18.

*Traffic—Regulation of; Licensing Livery Stables, etc.*Regulation  
of traffic on  
certain  
county roads.

6. If there are gravel or macadamized highways under the jurisdiction of the council, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected;

(a)

(s. 408.)

- (a) For licensing, regulating and governing the keepers <sup>Licensing</sup> of livery stables, and of horses, cabs, carriages, <sup>livery</sup> omnibuses, and other vehicles used or kept for <sup>stables.</sup> hire, and teamsters;
- (b) For regulating the fares to be charged for the con- <sup>Rates of</sup> veyance of goods or passengers; <sup>fare.</sup>
- (c) For regulating the traffic on such highways and the <sup>Tires.</sup> width of the tires on the wheels of vehicles used for the conveyance of articles of burden, goods, wares, or merchandise on such highways;
- (d) For regulating the use of lock shoes on vehicles used <sup>Lock shoes.</sup> on such highways. 3 Edw. VII. c. 19, s. 584.

**409. By-laws may be passed by the councils of cities.***Commissioner of Industries.*

1. For the establishment and maintenance of a depart- <sup>Commis-</sup> ment of industries and for appointing a Commissioner of <sup>sioner of</sup> Industries to bring to the notice of manufacturers and others the advantages of the city as a location for industrial enterprises, summer resorts, residential, educational and other purposes. 10 Edw. VII., c. 85, s. 7.

*Location of Stables, Etc.*

2. For regulating and controlling the location, erection and use of buildings as livery, boarding or sales stables, and stables in which horses are kept for hire or kept for use with vehicles in conveying passengers, or for express purposes, and stables for horses for delivery purposes, laundries, butcher shops, stores, factories, blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs or other animals and for prohibiting the erection or use of buildings for all or any or either of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway;

- (a) The by-law shall not be passed except by a vote of two-thirds of all the members of the council;
- (b) This paragraph shall not apply to a building which was on the 26th day of April, 1904, erected or used for any of such purposes, so long as it is used as it was used on that day. 3 Edw. VII. c. 19, s. 484 (2); 4 Edw. VII. c. 22, s. 19, *part*; 5 Edw. VII. c. 22, s. 21; 7 Edw. VII. c. 40, s. 12; 8 Edw. VII. c. 48, s. 6.

*Sidelights*

(s. 409.)

*Sidelights on Vehicles.*

Vehicles to  
carry side  
lights at  
night.

3. For requiring all vehicles using the public streets after dusk and before dawn to carry lighted side lights plainly visible from in front of and from behind such vehicles.  
*New.*

*Tussock Moths.*

Destruction  
of tussock  
moths.

4. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. 6 Edw. VII. c. 34, s. 24, *first part amended.*

**410.** By-laws may be passed by the councils of cities having a population of not less than 100,000.

*Apartment Houses, Tenement Houses and Garages.*

Location  
of apart-  
ment houses  
and garages.

1. For prohibiting, or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of apartment or tenement houses and of garages to be used for hire or gain.

(a) For the purposes of this paragraph an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons. 2 Geo. V. c. 40, s. 10.

*Building Restrictions—Deviation from.*

Deviation  
from by-law  
regulating  
erection of  
buildings.

2. For authorizing the city architect, or other officer, appointed for that purpose to permit in special cases, which in his judgment warrant it, such deviation from the by-laws regulating the erection of buildings as he may deem proper. 5 Edw. VII. c. 22, s. 22.

*Speedways.*

Setting  
apart streets  
for fast  
driving.

3. For setting apart one or more highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway.

(a) If a majority of the property owners on any such street petition against such by-law, it shall be repealed. 3 Edw. VII. c. 19, s. 559, par. 8, *last part.*



(s. 410.)

*University of Toronto.*

4. For granting aid to the University of Toronto. 3 Edw. VII. c. 19, s. 587, par. 9, *part*.

*Unslaughtered Cattle.*

5. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs which have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. 3 Edw. VII. c. 19, s. 550, par. 3.

Seizure of  
cattle, etc.,  
unfit for  
food.

**411.** By-laws may be passed by the councils of townships,

*Fires—Prevention Of.*

1. Within defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so, for exercising the powers conferred on the councils of urban municipalities by paragraphs 16 to 35 of section 400. 3 Edw. VII. c. 19, s. 542a.

Prevention  
of fires.

*Portable Steam Engines.*

2. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a saw-mill or a shingle mill. 3 Edw. VII. c. 19, s. 542, par. 18, *part*.

Portable  
steam  
engines.

*Sleighing—Keeping Open Highways During Season of.*

3. For providing for keeping open the highways during the season of sleighing in each year; and for the application of so much of the commutation of the Statute Labour Fund, as may be necessary for that purpose. 3 Edw. VII., c. 19, s. 561, pars. 8, 9.

Keeping  
roads open  
in winter.

4. For requiring the overseers of highways or the path-masters to make and keep open the highways during the season of sleighing.

Requiring  
overseers of  
highways  
to keep open  
highways.

(a)

(s. 411.)

Powers.

- (a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days' work done, for which he shall be allowed on his next season's statute labour. 3 Edw. VII. c. 19, s. 537, par. 3, *redrafted*.

*Streams, Creeks and Water-courses—Prohibiting Obstruction of.*

Prohibiting obstruction of streams, etc.

5. For prohibiting the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same. 3 Edw. VII. c. 19, s. 562, par. 12.

*Weighing Machines.*

Erecting and maintaining weighing machines.

6. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof, not being contrary to the limitations prescribed by subsection 8 of section 402. 3 Edw. VII. c. 19, s. 582, *redrafted*.

*Wet Lands.*

Purchase of wet lands from Government, etc.

7. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant-Governor in Council, and for draining such land. 3 Edw. VII. c. 19, s. 556, par. 1, *part*.

*Naming Streets and Numbering Houses.*

Naming streets, numbering houses.

8. In the case of townships bordering on cities having a population of not less than 50,000, for naming and surveying streets and for numbering houses and lots under and in conformity with paragraphs 38 and 39 of section 400. *New*.

**412.** By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and of cities having a population of less than 100,000 and by the Board of Commissioners of Police of cities having a population of not less than 100,000

*Auctioneers.*

Licensing, etc., auctioneers.

1. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide

(s. 412.)

provide whether an applicant is not of good character or his premises are not suitable for the business; for determining the time the license shall be in force;

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent. 3 Edw. VII. c. 19, s. 583, par. 2.

### *Bill Posters.*

2. For licensing, regulating, and governing bill posters, <sup>Bill posters.</sup> advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals. 3 Edw. VII. c. 19, s. 583, par. 6; 2 Geo. V. c. 40, s. 14.

**413.** By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and by Boards of Police Commissioners of cities

### *Junk and Second-hand Shops, etc.*

1. For licensing, regulating and governing junk <sup>Licensing and regulat-</sup> shops, and second-hand shops and dealers in second-hand <sup>ing junk</sup> goods, and for revoking and cancelling the license of any <sup>shops, etc.</sup> person convicted of a second offence against the by-law or of an offence against sections 399 to 401 of *The Criminal Code*. R.S.C. c. 146.

- (a) "Dealers in second-hand goods" shall include persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.

- (b) "Second-hand goods" shall include bottles, bicycles, waste paper, rags, bones, old iron or other scrap or junk. 3 Edw. VII. c. 19, s. 583, par. 22; 8 Edw. VII. c. 48, s. 16.

- (c) The fee to be paid for the license shall not exceed \$20 for one year. 3 Edw. VII. c. 19, s. 583, par 22a.

**414.** By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory

### *Public Fairs.*

1. For authorizing, on petition of at least fifty electors, <sup>Public</sup> the holding at one or more of the most public and convenient <sup>fairs for</sup> places in the municipality public fairs restricted to the sale, <sup>sale of</sup> barter and exchange of cattle, horses, sheep, pigs and articles <sup>cattle, etc.</sup> of agricultural production or requirement.

(a)

(s. 414.)

Rules for governing same.

- (a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council. 3 Edw. VII. c. 19, s. 578, *redrafted*.

Notice of passing of by-law.

*Surgeons.*

Appointing inspectors, gaol surgeons, etc.

2. For appointing one or more surgeons of the gaol and other institutions under the control of the corporation. 3 Edw. VII. c. 19, s. 537, *par. 7, part amended*.

**415.** By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory

*Tanneries.*

Defining areas in which certain trades may not be carried on.

1. For defining areas within which tanneries, rag, bone, or junk shops, or industries of a noxious or unhealthy character, may not be carried on. 3 Edw. VII. c. 19, s. 586, *par. 5*.

- (a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890. *New*.

**416.** By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000

*Hawkers and Pedlars.*

Licensing, etc., hawkers, petty chapmen,

1. For licensing, regulating and governing hawkers, pedlars and petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, vehicle, boat, vessel, or other craft, bearing or drawing goods, wares, or merchandise for sale, or otherwise carrying goods, wares or merchandise for sale.

When license not required

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise to a retail dealer, or for hawking, peddling or selling goods, wares or merchandise, the growth, produce or manufacture of Ontario, not being liquors within the meaning of *The Liquor License Act*, if the same are hawked or peddled by the manufacturer or producer of them, or by his *bona fide* servants or employees having written authority to do so;

(b)

(s. 416.)

- (b) Such servant or employee shall exhibit his authority <sup>Production of authority of servant.</sup> when required so to do by any municipal or peace officer;
- (c) In a prosecution for a breach of the by-law the <sup>Onus of proof</sup> onus of proving that he does not for either <sup>that no license required.</sup> of the reasons mentioned in clause (a) require to be licensed shall be upon the person charged.
- (d) Nothing in this paragraph shall affect the powers <sup>Certain powers not affected.</sup> to pass by-laws, under sections 401 and 402, paragraph 1 of section 419, and paragraphs 6 and 7 of section 420.
- (e) "Hawkers" in this paragraph shall include agents <sup>"Hawkers," meaning of.</sup> for persons not resident within the county, who sell or offer for sale tea, coffee, spices, baking powder, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery or jewellery, spectacles or eyeglasses, or who carry and expose samples or patterns of any such article, which is to be afterwards delivered within the county to a person not being a wholesale or retail dealer in such article.
- (f) Where the council of a town not separated from a <sup>Force of by-law of town not separated.</sup> county has passed a by-law under this paragraph a by-law of the county shall not be in force in the town while the by-law of the town remains in force. 3 Edw. VII. c. 19, s. 583, par. 14; 6 Edw. VII. c. 34, s. 26, *redrafted*.
- (g) The fee to be paid for the license under by-laws <sup>Fees.</sup> passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but in cities having a population of not less than 100,000, the fee shall not be more than \$50 for a motor vehicle or a two-horse waggon, \$30 for a one-horse waggon, \$15 for a push-cart, \$10 for one carrying a pack, and \$1 for one carrying a basket.
- (h) The licensee shall at all times whilst carrying on his business have his license with him and shall <sup>License to be produced on demand.</sup> upon demand exhibit it to any municipal or peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than \$1 or more than \$5.

(i)

(s. 416.)

Penalty.

- (i) If a peace officer demands the production of a license by any person to whom the by-law applies and the demand is not complied with, it shall be the duty of the peace officer, and he shall have power to arrest such person without a warrant and to take him before the nearest Justice of the Peace, there to be dealt with according to law. 3 Edw. VII. c. 19, s. 583, par. 16; 4 Edw. VII. c. 22, s. 24; 6 Edw. VII. c. 34, s. 28, *redrafted*.

Supplying  
licenses.

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 1 of section 412 and paragraph 1 of this section, to be issued under such regulations as may be prescribed to persons applying for them. 3 Edw. VII. c. 19, s. 583, par. 15.

Prohibiting  
sale of  
fruit, etc., in  
public  
streets, etc.

3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket, or a waggon, cart or other vehicle upon any highway or part of it, or in any public park or other public place.

Proviso.

- (a) The by-law shall not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. 6 Edw. VII. c. 34, s. 27.

**417.** By-laws may be passed by the councils of counties, towns, villages and townships and of cities having a population of less than 100,000, and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

### *Intelligence Offices.*

Licensing  
intelligence  
offices.

1. For licensing and governing suitable persons to keep intelligence offices; for registering the names and residences of servants, workmen, clerks and other persons seeking employment; for procuring employment for them and giving information to them and to persons in want of them, and for fixing the fees to be charged by the keepers of such offices, and the duration of the license.

Regulation.

2. For regulating such intelligence offices;

Revocation  
of license.

3. For revoking any such license.

Fee.

- (a) The license fee shall not exceed \$10 for one year. 3 Edw. VII. c. 19, s. 583, pars. 17-19, 20, *amended*.

*Victualling*

(s. 417.)

*Victualling Houses, etc.*

4. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places not being a tavern or shop licensed under *The Liquor License Act* for the lodging, reception, refreshment or entertainment of the public.

Limiting number of  
and  
licensing.  
Victualling  
houses, etc.  
Rev. Stat.  
c. 245.

5. For revoking the license.

Revocation  
of license.

(a) The sum to be paid for the license shall not exceed  
\$20. 3 Edw. VII. c. 19, s. 583, pars. 34-36,  
*redrafted.*

Fees.

**418.** By-laws may be passed by the councils of towns and cities having a population of less than 100,000, and by Boards of Police Commissioners of cities having a population of not less than 100,000.

*Electrical Workers.*

1. For examining, licensing and regulating electrical workers. 3 Edw. VII. c. 19, s. 583, par. 26a.

Electrical  
workers.

**419.** By-laws may be passed by the councils of towns and villages and of cities having a population of less than 100,000 and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

*Sale of Meat.*

1. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcass, and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantity than the quarter carcass, unless by a licensed person and in a place authorized by the council;

Regulating  
sale of meat.

Proviso.

(a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 402.

(b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 401.

(c) The fee to be paid for the license shall not exceed \$50 in a city and \$25 in a town or village. 3 Edw. VII. c. 19, s. 581, *redrafted.*

*Tobacconists*



(s. 419.)

*Tobacconists.*

Licensing  
and regu-  
lating keep-  
ers of  
tobacco  
stores.

2. For licensing, regulating and governing keepers of stores and shops other than taverns and shops licensed under *The Liquor License Act* where tobacco, cigars or cigarettes are sold by retail, and for revoking any license granted. 3 Edw VII. c. 19, s. 583, par. 28.

**420.** By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by Boards of Commissioners of Police in cities having a population of not less than 100,000.

*Bagatelle and Billiard Tables.*

Billiard,  
pool and  
bagatelle  
tables.

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs which directly or indirectly keep, or have in their possession, or on their premises any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licenses to be granted and the number of such tables which shall be licensed and for revoking any license granted.

(a) "Proprietary club" shall mean a club the members of which or some of them are not shareholders of the club, or in some similar manner interested in its property. 3 Edw. VII. c. 19, s. 583, par. 4; 8 Edw. VII. c. 48, s. 14; 9 Edw. VII. c. 73, s. 24.; 2 Geo. V. c. 40, s. 13.

*Dogs.*

Prohibiting  
running at  
large of  
dogs.

2. For prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law; and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

(a) For the purposes of this paragraph, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. 3 Edw. VII. c. 19, s. 540, pars. 1-2; 1 Geo. V. c. 57, s. 8 (2), amended.

*Exhibitions*

(s. 420.)

*Exhibitions, Places of Amusement, etc.*

3. For regulating and licensing exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, and other places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted. 3 Edw. VII. c. 19, s. 583, par. 10; 8 Edw. VII. c. 48, s. 15; 1 Geo. V. c. 57, s. 12.

*Plumbers.*

4. For licensing, regulating and governing plumbers. 3 Edw. VII. c. 19, s. 583, par. 25.

*Shows.*

5. For prohibiting or regulating and licensing exhibitions of wax work, menageries, circus-riding and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousals, and other like contrivances; and for imposing penalties not exceeding the amount of the license fee on offenders against the by-law; and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

- (a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in. 3 Edw. VII. c. 19, s. 583, par. 8; 6 Edw. VII. c. 34, s. 25.

- (b) The fee to be paid for the license shall not exceed \$500. 3 Edw. VII. c. 19, s. 583, par. 9.

(s. 420.)

*Transient Traders.*

Licensing  
and regu-  
lating  
transient  
traders.

6. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assessment for the then current year; and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Require-  
ment as to  
obtaining  
license be-  
fore doing  
business.

7. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of income or business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Stock of  
insolvent.

(a) A by-law passed under paragraphs 6 or 7 shall not apply to the sale of the stock of an insolvent which is being sold or disposed of within the county or district in which he carried on business therewith at the time of the issue of an attachment or of the execution of an assignment. 3 Edw. VII. c. 19, s. 583, pars. 30 and 31, *part*; 6 Edw. VII. c. 34, s. 29.

Meaning of  
words  
"transient  
traders."

(b) "Transient traders" shall include any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there. 3 Edw. VII. c. 19, s. 583, par. 31, *part*; 6 Edw. VII. c. 34, s. 30.

Fees.

(c) The fee to be paid for a license under paragraph 8 shall not exceed in a city or town \$250, in a village in unorganized territory \$200, and in other local municipalities \$100.

(d) The sum paid for a license shall be credited to the person paying it, on account of taxes thereafter payable by him. 3 Edw. VII. c. 19, s. 583, par. 33, *redrafted*.

Bands of  
music.

**421.** By-laws may be passed by the councils of towns and villages and Boards of Commissioners of Police of cities.

*Bands and Musical Instruments.*

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park, or public place except by a military band attached to any regular corps

(s. 421.)

corps of the Militia of Canada when on duty, under the command of its regular officer. 3 Edw. VII. c. 19, s. 484 (5).

*Junk Stores—Purchasing or Receiving Pledges from Minors.*

2. For prohibiting keepers of second-hand shops or junk stores or shops, directly or indirectly purchasing from, <sup>Junk shops, buying from ex-minors.</sup> changing with, or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods, or articles. 3 Edw. VII. c. 19, s. 484 (4a), *amended*.

**422.** By-laws may be passed by Boards of Commissioners of Police of cities.

*Cab Drivers—Licensing of.*

1. For licensing drivers of cabs. 3 Edw. VII. c. 19, s. <sup>Licensing cab drivers.</sup> 484 (3), *part*.

*Children in Certain Occupations.*

2. For regulating and controlling children engaged as <sup>Control of children.</sup> express or despatch messengers, vendors of newspapers and small wares and bootblacks. 3 Edw. VII. c. 19, s. 484 (4).

*Fares for Conveyance of Goods and Passengers.*

3. For establishing the rates of fare to be taken by the <sup>Rates of fare for conveyance of goods or passengers.</sup> owners or drivers of vehicles for the conveyance of goods or passengers, either wholly within the city, or from any point within the city to any other point not more than three miles beyond its limits, and providing for enforcing payment of such fares. 3 Edw. VII. c. 19, s. 484 (1), *part amended*.

*Livery Stables, etc.—Hours of Labour.*

4. For regulating the hours of labour of persons employed <sup>Regulating hours of labour of persons employed in livery stables, etc.</sup> in livery or boarding stables as drivers of motor vehicles, cabs, carriages, or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses, and other vehicles kept for hire. 3 Edw. VII. c. 19, s. 484 (3), *part amended*.

*Livery Stables, etc.—Licensing of.*

5. For licensing and regulating the owners of livery <sup>Licensing and regulating livery stables, etc.</sup> stables and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses, and other vehicles regularly used for hire <sup>within</sup> cabs, etc.

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within the city, whether such owners reside within or without the city. 3 Edw. VII. c. 19, s. 484 (1), *part*.

*Parades and Traffic on Highways.*

Regulating  
traffic and  
parades.

6. For regulating parades or processions on highways, and from time to time, and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to the Police Constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged, or liable to obstruction.

- (a) This paragraph shall not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction which may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. 9 Edw. VII. c. 73, s. 14.

*Destitute Insane Persons—Support of.*

County council to make provision for the destitute insane.

**423.** The council of every county shall make provision for the whole or partial support within the county of such insane destitute persons as cannot be admitted to a Provincial Asylum, and shall determine the sums to be paid for such support, and the persons to whom the same shall be paid. 3 Edw. VII. c. 19, s. 589, *amended*.

*Members of the Council—Payment of.*

Remuneration of councillors and committee-men.

**424.** By-laws may be passed by the councils of counties and townships for paying the members of the council for their attendance at meetings of the council or of its committees, at a rate not exceeding \$5 a day, and five cents for each mile necessarily travelled in going to and from such meetings. 3 Edw. VII. c. 19, s. 538, par 1; 10 Edw. VII. c. 85, s. 8.

Remuneration of aldermen in certain cities.

**425.** By-laws may be passed by the councils of cities having a population of not less than 100,000, for paying an annual allowance, not exceeding \$300 to aldermen, and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the Court of Revision and the Local Board of Health.

(a)

- (a) The by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings. 3 Edw. VII. c. 19, s. 538, par. 2.

*Members of Certain Councils may be Appointed Commissioners.*

**426.** A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation and may be paid the like remuneration for his services as if he were not a member of the council. 3 Edw. VII. c. 19, s. 537, par. 1, cl. (a) amended. Appointment of member of council as road commissioner, etc.

*Expenses of Reception of Distinguished Guests and Travelling Expenses.*

**427.** The council of a city may pay for the reception and entertainment of distinguished guests, and travelling expenses incurred in respect of matters pertaining to the interests of the corporation, a sum not exceeding in any year in the case of Annual appropriation for travelling and other expenses.

- (a) A city having a population of not less than 100,000, \$10,000;  
 (b) A city having a population of not less than 20,000, \$2,500;  
 (c) Other cities. \$500.

3 Edw. VII. c. 19, s. 596; 6 Edw. VII. c. 34, s. 33;  
 2 Geo. V. c. 40, s. 17.

*Publicity Purposes.*

**428.** The council of every city may expend a sum not exceeding in any year \$3,000 and the council of every town having a population of not less than 5,000 may expend a sum not exceeding in any year \$500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities except counties may expend for the like purpose a sum not exceeding in any year \$100. 3 Edw. VII. c. 19, s. 597. Appropriation for diffusing information re advantage of municipality.

## PART XXI.

## HIGHWAYS AND BRIDGES.

*Powers and Duties as to*

Interpretation

**429.**—(1) In this Part

"County Bridge."

(a) "County bridge" shall mean a bridge under the exclusive jurisdiction of the council of a county. *New.*

(2) Except as provided by section 445 this Part shall not apply to a Provincial road or bridge under the control of the Crown. *New.*

Power to acquire part of highway.

**430.** Where by this Part power is conferred upon a council to pass by-laws for acquiring or for assuming a highway it shall include the power to pass by-laws for acquiring or for assuming part of a highway. *New.*

What councils to exercise powers re highways and bridges.

**431.** Where power to pass by-laws in respect of a highway or bridge is by this Act conferred on a council, unless otherwise expressly provided, it shall be exercisable only by the council having jurisdiction over the highway or bridge, or if the highway or bridge is under the joint jurisdiction of two or more councils only by the joint action of such councils, and a by-law by all of them shall be necessary for the exercise of such powers. *New.*

What shall constitute public highways.

**432.** Except in so far as they have been stopped up according to law all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them, or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, shall be common and public highways. 3 Edw. VII. c. 19, s. 598, *redrafted.*

Highways vested in corporation having jurisdiction over them.

**433.** Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this Act. 3 Edw. VII. c. 19, s. 599, *redrafted.*



**434.** Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality shall have jurisdiction over all highways and bridges within the municipality. 3 Edw. VII. c. 19, s. 600, *redrafted*. Jurisdiction of councils over highways.

**435.** The next preceding two sections shall not apply to roads or bridges owned by companies or individuals. *New*. Exception as to road owned by company, etc.

**436.**—(1) The council of a county shall have jurisdiction over every Jurisdiction of county councils over roads and bridges.

(a) Highway, bridge and boundary line assumed by the council;

(b) Bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities other than a city or separated town in the county; and

(c) Bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county. 3 Edw. VII. c. 19, s. 613, *redrafted*.

(2) The council may provide that the jurisdiction conferred upon it by clause (b) of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width, or of such width less than 80 feet, as may be specified in the by-law. 3 Edw. VII. c. 19, s. 617 (3); 4 Edw. VII. c. 22, s. 27 (1), *redrafted*. Power to limit jurisdiction.

**437.** The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties shall have joint jurisdiction over such bridges. *New*. Jurisdiction over bridges on county boundaries.

**438.** The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town shall have joint jurisdiction over such bridges. *New*. Over bridges on boundaries between county and city, etc.

Over  
boundaries  
between  
local muni-  
cipalities.

**439.** The councils of the local municipalities between which they run shall have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by the provisions of this Act are under the jurisdiction of another council or other councils. *New.*

Jurisdiction  
where  
corporation  
owns bridge  
etc., in an-  
other muni-  
cipality.

**440.** Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate the council of that corporation shall have jurisdiction over it. *New.*

Assumption  
by villages  
of bridges  
under  
control of  
county.

**441.**—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of, and on such terms and conditions as may be agreed on with, the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

Effect of  
by-law.

(2) When the by-law takes effect the bridge shall cease to be under the jurisdiction of the council of the county and shall come and thereafter remain under the jurisdiction of the council of the village, and shall be and remain toll free. 3 Edw. VII. c. 19, s. 604, *redrafted.*

Approaches  
to bridges.

**442.** The council having jurisdiction over a bridge shall have jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. 3 Edw. VII. c. 19, s. 605, *redrafted.*

Joint main-  
tenance of  
roads  
where lands  
annexed  
to city or  
town.

**443.** Where land annexed to a city or town under this Act abuts on a highway the highway shall be under the joint jurisdiction of the councils of the city or town and the adjacent municipality or municipalities. 10 Edw. VII. c. 85, s. 12, *amended.*

Agreements  
between  
adjoining  
muni-  
cipalities  
as to main-  
tenance of  
boundary  
road.

**444.**—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon which it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the

other

other from any loss or damage arising from the want of repair of such portion.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be registered in the registry office of the registry division in which the highway is situate. Agreement to be registered.

(3) After the registration of the by-law, each corporation shall have jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for the damages incurred by reason of neglect to maintain and keep the same in repair; and the other corporation shall be relieved from all liability in respect of its maintenance and repair. 3 Edw. VII. c. 19, s. 625 (1-3); 10 Edw. VII. c. 85, s. 15. Effect of.

**445.** Where the Lieutenant-Governor in Council by proclamation declares, which it shall be lawful for him to do, that any public road or bridge under the control of the Minister of Public Works shall not be under his control after a day named in the proclamation, such road or bridge shall after that day cease to be under the control of the Minister and no tolls shall be collected thereon and the road or bridge shall be under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities shall be under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part which lies within its municipality, or if it lies between two or more municipalities shall be under the joint jurisdiction of their councils. 3 Edw. VII. c. 19, s. 627, *part redrafted*. Proclamation bringing government road or bridge under jurisdiction of municipality.

**446.**—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, village or township. Assumption by county councils of highways, bridges and boundary lines.

(2) The by-law shall not take effect until assented to by the council of the town, village or township. 3 Edw. VII. c. 19, s. 613, par. 1, *part amended*.

(3) The council of a county may also by by-law assume as a county road any county or township boundary line. 3 Edw. VII. c. 19, s. 614, *part*.

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township which connects with a county road. 3 Edw. VII. c. 19, s. 615, *part*.

(5) Where a highway is assumed under this section the bridges thereon shall also be assumed as county bridges. *New.*

(6)

(6) A by-law passed under the authority of this section may be at any time repealed by the council of the county. 3 Edw. VII. c. 19, s. 613, par. 1, *part amended*.

(7) After the repeal of the by-law such highway or bridge shall cease to be under the jurisdiction of the council of the county and shall fall and be under the jurisdiction of the council or councils which had jurisdiction over it at the time of the passing of the by-law for assuming it. *New*.

Assuming  
highway in  
adjacent  
municipality  
as a public  
avenue or  
walk.

**447.**—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

(2) The by-law shall not take effect unless or until it is assented to by by-law of the council of the adjacent municipality. 3 Edw. VII. c. 19, s. 603, *amended*.

Abandon-  
ment by  
county of  
roads.

**448.**—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

(2) Forthwith after the passing of the by-law the clerk shall transmit by registered post to the clerk of every local municipality through or along or on the border of which the road runs a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

(3) The by-law shall not take effect unless or until it is approved by the Municipal Board, nor shall it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law. 3 Edw. VII. c. 19, s. 658, par. 9, *amended*.

(4) From and after the taking effect of the by-law the council of a municipality within which any part of the road so abandoned lies shall have jurisdiction over that part of it which lies within the municipality, and where any part of a road so abandoned lies between or on the border of two or more local municipalities the councils of such municipalities shall have joint jurisdiction over that part of it. *New*.

(5) Nothing in this section shall extend or apply to a bridge which under the provisions of this Act is to be maintained wholly or partly by the corporation of the county. *New*.

**449.**—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than \$1,000, 000 or in a township may, on the application of the council of such town or township, be declared to be a county bridge where

Bridges over 300 ft. in length in townships and certain towns may be declared county bridges.

(a) It is used by the inhabitants of other municipalities;

(b) It is situate on an important highway affording means of communication to several municipalities; and

(c) On account of its length, and for the reasons mentioned in clauses (a) and (b), it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

(2) An order declaring the bridge to be a county bridge may be made by a Judge of the County Court of the county in which it is situate, on the application of the council of the town or township. 3 Edw. VII. c. 19, s. 617a (1); 7 Edw. VII. c. 40, s. 21, *redrafted*.

Order of Judge.

(3) Notice of the application shall be served on the corporation of the county, at least thirty days before the day on which it is to be made. 3 Edw. VII. c. 19, s. 617a (3), *last part amended*.

Notice of application.

(4) Each corporation shall be entitled to be represented by counsel on the hearing of the application, and the evidence may, if the Judge sees fit, and shall if either party so requests, be given under oath. 3 Edw. VII. c. 19, s. 617a (4). *redrafted*.

Hearing.

(5) If the Judge is of opinion that for the reasons mentioned in subsection 1, the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township, and if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order.

Power of Judge.

(6) If the order declares the bridge to be a county bridge it shall be registered in the registry office of the registry division in which the bridge is situate. 3 Edw. VII. c. 19, s. 617a (5), *first part redrafted*.

Registration of order.

**Appeal**

(7) An appeal shall lie from the order of the Judge to a Divisional Court of the Appellate Division of the Supreme Court, and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a Judge of that Court, sitting in Court. 5 Edw. VII. c. 22, s. 32, *part amended*.

**Registration of order of divisional court.**

(8) If the order is reversed or varied by the order of the Divisional Court, or if an order declaring the bridge to be a county bridge is made by the Divisional Court, the order of that Court shall be registered as provided by subsection 6. 7 Edw. VII. c. 40, s. 23, *amended*.

**Effect of order after registration.**

(9) Where the order of the Judge of the County Court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Divisional Court from and after the registration of the order of the Divisional Court, the bridge shall be a county bridge. 3 Edw. VII. c. 19, s. 617a (5), *last part*; 5 Edw. VII. c. 22, s. 31; 7 Edw. VII. c. 40, s. 22, *redrafted*.

**Payment to county of proportion of maintenance.**

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure shall be payable by the last named corporation to the corporation of the county on demand. 3 Edw. VII. c. 19, s. 617a (6); 7 Edw. VII. c. 40, s. 22, *redrafted*.

**When new application may be made.**

(11) Where the application is dismissed, either by the order of the Judge of the County Court or by the order of the Divisional Court, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with without regard to the former order, and the preceding subsections shall apply *mutatis mutandis* to the application. 10 Edw. VII, c. 85, s. 14, *redrafted*.

**Power to agree as to maintenance.**

(12) In the case provided for by this section the councils of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

**What agreement to provide.**

(13) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

(14) The terms of the agreement shall be embodied in an order of the Judge of the County Court which may be made upon the application of either corporation, and the order so made shall supersede any former order made by him. Order of judge embodying agreement.

(15) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county the order made under the next preceding subsection shall so declare.

(16) The order made under subsection 14 shall be registered as provided by subsection 6, and shall have the same effect as an order upon an application made under subsection 2, but the order shall not be subject to appeal. 3 Edw. VII. c. 19, s. 618*b*, *redrafted*. Registration of order.

**450.** The council of a county which assumes as a county road or bridge, any highway or bridge within a township, shall with as little delay as reasonably may be, and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner and shall maintain and keep the same in repair. 3 Edw. VII. c. 19, s. 616 (1), *redrafted*. Highways assumed by county to be plankd, gravelled, etc.

**451.** The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses (b) and (c) of section 436. 3 Edw. VII. c. 19, s. 616 (2), *amended*. County to build and maintain certain bridges.

**452.** Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it shall be the duty of the corporations of the counties, and where it forms or crosses a boundary line between a county and a city or a separated town, it shall be the duty of the corporations of the county and the city or separated town to erect and maintain bridges over such river, stream, pond or lake. 3 Edw. VII. c. 19, s. 617 (1); 7 Edw. VII. c. 40, s. 20, *amended*. Maintenance of bridges on county boundary lines.

**453.**—(1) Boundary lines between local municipalities, including those which also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines. Maintenance of boundary lines.

(2) Subsection 1 shall not apply to boundary lines assumed by the council of the county or to such bridges as are under the provisions of this Act to be erected or maintained by another corporation. 3 Edw. VII. c. 19, ss. 620 (1), 621, 622, *redrafted*.



Local municipalities to erect and maintain certain bridges.

**454.** Where the council of a county passes a by-law under subsection 2 of section 436 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. 3 Edw. VII. c. 19, s. 617 (4); 4 Edw. VII. c. 22, s. 27 (2), *redrafted*.

Maintenance of boundary lines and bridges in provisional judicial district.

**455.** All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them; and if the councils fail to agree as to the proportion of the expense to be borne by each corporation the same shall be determined by arbitration. 10 Edw. VII. c. 85, s. 13, *amended*.

#### *Driftwood in Streams.*

Keeping rivers free from driftwood, etc.

**456.**—(1) Where a river or a stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

What corporations to perform the work and apportionment of expense.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties, and where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and in case of failure to agree in either case, as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. 3 Edw. VII. c. 19, s. 619, *redrafted*.

Keeping stream free from logs, brush, etc., in townships.

**457.**—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality.

Notice requiring other township to remove obstructions.

(2) It shall be the duty of such last mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate, appoints to inspect the same.

(3) If the corporation receiving the notice neglects to perform such duty, and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, shall be responsible for the damages sustained by any person by reason of such want of repair. 3 Edw. VII. c. 19, s. 563, *amended*. Effect of failure to perform duty.

**458.** Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities, and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened which does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities; and a river, stream, pond or lake which crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. 3 Edw. VII. c. 19, s. 617 (2), *redrafted*. Deviations of boundary lines.

**459.** Every iron, steel, concrete or stone bridge constructed by the corporation of a county shall be built in accordance with specifications approved by the engineer of highways of the Department of Public Works. 1 Geo. V. c. 57, s. 13. Certain bridges to be built according to specifications of Public Works Department.

**460.**—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it, or upon which the duty of repairing it is imposed by this Act, and in case of default, the corporation shall be liable for all damages sustained by any person by reason of such default. 3 Edw. VII. c. 19, s. 606 (1) *part, redrafted*. Liability for repair of public roads, etc.

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained. 3 Edw. VII. c. 19, s. 606 (1), *part amended*. Limitation of actions.

(3) Except in case of gross negligence a corporation shall not be liable for a personal injury caused by snow or ice upon a sidewalk. 3 Edw. VII. c. 19, s. 606 (2), *amended*. Snow or ice on sidewalks.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon

upon or sent by registered post to the head, or the clerk of the corporation, in the case of a county or township within thirty days, and in the case of an urban municipality within seven days after the happening of the injury, nor unless where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time.

When dispensed with

(5) In case of the death of the person injured, failure to give the notice shall not be a bar to the action, and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or Judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the corporation was not thereby prejudiced in its defence. 3 Edw. VII. c. 19, s. 606 (3-5), *redrafted*.

To what roads applicable.

(6) This section shall not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation. 3 Edw. VII. c. 19, s. 607, *amended*.

When Corporation not responsible for acts of others.

(7) Nothing in this section shall impose upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or license of its council. 3 Edw. VII. c. 19, s. 611, *amended*.

When corporation not liable for damages.

(8) A corporation shall not be liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

(See *Winterbottom v. Lord Derby* (1867), L. R. 2 Ex. 316.)

Relief from obligation to rebuild.

(9) Where a bridge which it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it the Ontario Railway and Municipal Board

may

may, upon the application of the corporation relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the re-building of it would entail a larger expenditure than would be reasonable, having regard to the use that would be made of the bridge if it were re-built.

(10) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct. Conditions of granting relief.

(11) The next preceding two subsections shall not affect the costs of any pending action. *New.* Costs of pending actions.

**461.** A corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, sidewalks and other works made or constructed by it or by any person with the permission of its council, upon any toll road in or passing through the municipality, and in case of default shall be liable, as in the case provided for by section 460. 3 Edw. VII. c. 19, s. 608, *amended.* Repair of crossings, etc., made by leave of municipality on toll roads.

**462.**—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing. Apportionment of damages where more than one corporation liable for non-repair.

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. 3 Edw. VII. c. 19, s. 610, *redrafted.*

**463.**—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages, or any part of them against any member of the

council

council or officer or employee of the corporation personally, but the remedy therefor shall be against the corporation. 3 Edw. VII. c. 19, s. 612 (1), *redrafted*.

Contractors  
not deemed  
employees.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. 3 Edw. VII. c. 19, s. 612 (4), *redrafted*.

Remedy  
over, for  
damages  
caused by  
non-repair  
against  
persons  
causing  
same.

**464.**—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation.

(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action, and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him.

Adding  
party de-  
fendant.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over; and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

Where  
person caus-  
ing damage  
has not  
been made  
a party.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation, only where a notice has been served on him, pursuant to Rules of Court, or where he has admitted, or is estopped from denying the validity of such judgment.

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. 3 Edw. VII. c. 19, s. 609, *redrafted*.

**465.**—(1) Whenever there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the High Court may upon the application of any or either of the corporations determine the matter in dispute on an originating motion; or the Court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion, or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the Court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest.

(2) Except in the cases provided for by section 468, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. *New.* See 3 Edw. VII. c. 19, s. 618; 7 Edw. VII. c. 40, s. 27.

**466.**—(1) Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it which lies within the limits of its municipality.

(3) The clerk shall within four days after the passing of the by-law transmit by registered post to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

(4)



## Arbitration.

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

## Power of arbitrators.

(5) The arbitrators shall determine whether or not the proposed highway shall be established and laid out, and if they determine that it shall be established and laid out they shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

## Duties of other townships when arbitrators determine that highway should be laid out.

(6) If it is determined by the arbitrators that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it which will lie within the limits of their respective municipalities, and for otherwise carrying out the provisions of the award, and shall proceed with all reasonable despatch to carry into effect the provisions of the by-law.

## Effect of determination against laying out highway.

(7) If it is determined by the arbitrators that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrators may by their award determine. 3 Edw. 7, c. 19, s. 620 (2-5), *redrafted*.

## Disputes as to bridge or highway to be settled by arbitration.

**467.**—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerk of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

## Award.

(2) If it is determined by the arbitrators that what is proposed ought to be done, they shall by their award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things

which



which on its part are necessary for carrying into effect the objects of the by-law. *New.*

**468.**—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute. 3 Edw. VII. c. 19, s. 648, *amended.*

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line. 3 Edw. VII. c. 19, s. 649, *amended.*

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1, what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively, and in the case provided for by subsection 2 whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes. 3 Edw. VII. c. 19, ss. 650, 651, *redrafted.*

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made. 3 Edw. VII. c. 19, s. 652, *first part amended.*

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but if the work is not proceeded

with with such despatch as the commissioners deem necessary they shall themselves complete the work. 3 Edw. VII. c. 19, s. 652, *last part amended*.

Apportionment of and collection of cost of work of commissioners.

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default. 3 Edw. VII. c. 19, s. 653, *redrafted*.

County boundaries not affected.

(7) This section shall not apply to a township boundary line which is also a county boundary line. *New*.

Determination by Municipal Board of disputes re county deviation of boundary lines.

**469.** Where the council of the townships having joint jurisdiction over a county boundary line are unable to agree as to—

- (a) The necessity for a deviation of the road from the boundary line, or
- (b) The location of the deviation, or
- (c) The use of an existing highway in lieu of a deviation, or
- (d) The proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation, is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order shall be final and not subject to appeal. 3 Edw. VII. c. 19, s. 654, *amended*.

Power of Ontario Motor League to erect guide and mile posts, etc.

**470.**—(1) The Ontario Motor League may at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills which may be deemed to be dangerous or unsafe for travellers.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it, but a notice indicating the purpose which the guide post, mile post or danger signal is designed to serve. How same to be erected.

(3) Every person who contravenes any of the provisions of subsection 2 shall incur a penalty of \$5 for every such contravention. 3 Edw. VII. c. 19, s. 636; 1 Geo. V. c. 57, s. 14, *redrafted*. Penalty.

(4) No person shall cut or throw down or injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending shall incur a penalty not exceeding \$50. *New*. Defacing posts erected.

**471.** The Canadian Wheelman's Association of the Dominion of Canada shall have the like power as is by the next preceding section conferred on the Ontario Motor League, and all the provisions of that section shall apply to guide posts, mile posts and danger signals erected or maintained by the Association; but where either the League or the Association has exercised the powers conferred upon it upon any part of a highway the other shall not have the right to exercise its powers thereon. *New*. Powers of C. W. A. as to erection of guide posts, etc.

**472.**—(1) The council of every municipality may pass by-laws, Establishing, widening, stopping up, etc., highways, laying out boulevards, etc.

- (a) For establishing and laying out highways;
- (b) For widening, altering or diverting any highway or part of a highway;
- (c) For stopping up any highway or part of a highway and for leasing or selling the soil and freehold of a stopped up highway or part of a highway.
- (d) For setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (e) For permitting subways for cattle under and bridges for cattle over any highway. 3 Edw. VII. c. 19, ss. 637, 658, pars. 1-2; 660, par 2, *part redrafted*.

Exceptions  
as to exer-  
cise of  
power.

(2) Nothing in subsection 1 shall authorize a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public Department, Board or officer of Ontario. 3 Edw. VII. c. 19, s. 627, *part*.

(3) A by-law passed under the authority of clause (b) or clause (c) of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other water shall not take effect until it has been approved by the Lieutenant-Governor in Council. 3 Edw. VII. c. 19, s. 632 (2), *amended*.

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor-General in Council in respect of,

(a) Any street, lane or thoroughfare made or laid out by His Majesty's Ordnance or the Principal Secretary of State in whom the Ordnance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;

(b) Any land owned by the Crown in right of the Dominion of Canada;

(c) Any bridge, wharf, dock, quay or other work vested in the Crown in right of the Dominion of Canada;

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor-General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given. 3 Edw. VII. c. 19, s. 628, *amended*.

(5) The powers conferred by clause (c) of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county. 3 Edw. VII. c. 19, s. 658, par. 1, *part amended*.

(6) A by-law of the council of a township, passed under the authority conferred by clause (c) of subsection 1, in the case of a township in unorganized territory, shall not have any force unless and until approved by a Judge of the District

trict Court of the district in which the township is situated, and in other cases unless and until confirmed by a by-law of the council of the county in which the township is situate passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law of the council of the township. R.S.O. 1897, c. 225, s. 36. 3 Edw. VII. c. 19, s. 660, par. 2, *part*.

**473.**—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided. Right of ingress and egress not to be taken away by closing road.

(2) The by-law shall not take effect until the sufficiency of such road or way of access has been agreed upon or unless and until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act, and if the amount of compensation is also not agreed upon both matters shall be determined by one and the same arbitration. 3 Edw. VII. c. 10, s. 629, *redrafted*.

(4) If the arbitrators determine that the road or way of access provided is insufficient they may by their award determine what road or way of access should be provided, and in that case, unless such last mentioned road or way of access is provided, the by-law shall be void and the corporation shall pay the costs of the arbitration and award. *New*.

**474.**—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts which has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall as against every person except the corporation the council of which has jurisdiction over the allowance for road be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it. Possession of unopened road allowance.

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. Notice of by-law to be given.  
3 Edw. VII. c. 19, ss. 642, 643, *redrafted*.

Publication  
of by-  
law, etc.

**475.**—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

- (a) Notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway, and
- (b) The council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

(2) The clerk shall give the notices upon payment, by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. 3 Edw. VII. c. 19, s. 632 (1, 3), *redrafted*.

When publication of by-law not required.

**476.** Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 475 shall not apply to the by-law. 3 Edw. VII. c. 19, s. 632 (4), *amended*.

Side lines in double front concessions.

**477.**—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario Land Surveyor named in the by-law.

(3) A Judge of the County or District Court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass who objects to the surveyor appointed by the by-law may appoint another Ontario Land Surveyor in the place of the one so appointed.

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days' notice of the time when and the place where it will be heard by the Judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.



(5) The surveyor appointed by the by-law or, if another is appointed by the Judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

(6) The determination of the surveyor as to the compensation shall be final. 3 Edw. VII. c. 19, s. 663, *redrafted*.

**478.**—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road which was intended to be, but is not wholly or partly, upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened shall be entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he shall be entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act. Mistakes in opening road allowances.

(2) The right to compensation shall be forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. 3 Edw. VII. c. 19, s. 635, *redrafted*. When right to compensation barred.

**479.**—(1) No municipal council or owner of land shall lay out any highway less than 66 feet in width or, except in the case of a city or town, more than 100 feet in width. 3 Edw. VII. c. 19, s. 630 *part, redrafted*. Width of highways.

(2) Subsection 1 shall not apply to a township in unorganized territory, and a highway less than 66 feet in width may be laid out by the council of any such township subject to and in accordance with the regulations of the Department of Lands, Forests and Mines. R.S.O. c. 225, s. 35, *amended*.

(3) No highway shall be laid out in any municipality by any owner of land without the sanction of the council of the municipality or if its sanction is refused, without the approval of a Judge of the County or District Court of the county or district in which the land lies, given after notice to the corporation. 3 Edw. VII. c. 19, s. 630, *part, redrafted*.

**480.** The council of an urban municipality may pass by-laws for regulating the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. 3 Edw. VII. c. 19, s. 553, *part*. Dwelling houses on narrow streets.

**481.**—(1) The council of a city having a population of not less than 50,000 may pass by-laws for Power to regulate and prohibit erection of dwelling houses.

(a)



- (a) Prohibiting the erection or occupation of dwelling houses on highways, lanes or alleys of less width than that prescribed by the by-law;
- (b) Prescribing the minimum area of vacant land which shall be attached to and used with any dwelling house thereafter erected, as the courtyard or curtilage of it;
- (c) Regulating the manner in which buildings intended to be occupied as dwelling houses are to be constructed within the municipality or within any defined area of it. 3 Edw. VII. c. 19, s. 631 (1), *amended*.
- (d) Prohibiting the erection of dwelling houses or the alteration of other buildings for the purpose of adapting them for use as dwelling houses, if the same front on a highway less than 40 feet in width, unless the street has been established as a highway by by-law of the council or otherwise assumed for public use by the corporation. 9 Edw. VII. c. 73, s. 20, *redrafted*.

Publication  
of by-law.

(2) A by-law for any of the purposes mentioned in subsection 1, before the final passing of it shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date on which the proposed by-law will be taken into consideration by the council. 3 Edw. VII. c. 19, s. 631 (2), *amended*.

#### 482. By-laws may be passed—

Granting aid  
for opening  
or improv-  
ing, etc.,  
highways.

(1) By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality or constructing, maintaining or improving any bridge therein. 3 Edw. VII. c. 19, s. 644, *amended*.

(2) By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening, and making any new road on the boundary of the municipality or constructing any new bridge on such boundary. 3 Edw. VII. c. 19, s. 647, par. 1, *amended*.

(3) By the councils of cities and towns for granting aid to the corporation of a township in the county in which the city

city or town is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute or forms or is to form part of a highway leading to such city or town, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway. 3 Edw. VII. c. 19, s. 663*a*, *amended*.

(4) By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line. 3 Edw. VII. c. 19, s. 614, *part*.

(5) By the councils of counties for granting aid to the corporation of any town, village or township towards,

(a) Opening any new highway or constructing any new bridge in the municipality;

(b) Opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming, or which is to form, part of such highway. 3 Edw. VII. c. 19, s. 658, pars. 5, 6, *amended*.

(6) By the councils of townships

(a) For granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

(b) For granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted. 3 Edw. VII. c. 19, s. 660, par. 1, *amended*.

(7) By the council of a township in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes. *New*.

(8)

(8) The aid may be granted by way of loan or otherwise.  
*New.*

**483.** By-laws may be passed by the council of every municipality

**Boulevards.**

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway which may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

**Regulations.**

2. For regulating the construction, maintenance and protection of such boulevards. 3 Edw. VII. c. 19, s. 638, *amended.*

**Areas and openings under highways.**

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks, for prescribing the terms and conditions upon which the same shall be made, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable.

**Annual charge for.**

(a) Such annual or other charge shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

**Liability of corporation for damages.**

(b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, but shall be entitled to the remedy over provided for by section 464 against the person by whose act or omission the want of repair is caused. 3 Edw. VII. c. 19, s. 639 (1, 3), *redrafted.*

**Bicycle and foot paths.**

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path.

(a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path shall incur a penalty of not less than \$1 or more than \$20. 3 Edw. VII. c. 19, ss. 640, par. 1, 660, par. 4, *amended.*

**Tolls on highways and bridges.**

5. For raising money by toll on any highway, bridge or other work to defray the expense of making, maintaining or repairing it. 3 Edw. VII. c. 19, s. 640, par. 4.

6. For granting to any person in consideration or part consideration of planking, gravelling or macadamizing a highway, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council;

Granting  
right to  
take tolls.

- (a) The grantee of the tolls shall, during such period, maintain and keep in repair the highway or bridge. 3 Edw. VII. c. 19, s. 640, par. 5.

7. Subject to the rights of a Crown timber licensee under *The Crown Timber Act*, for preserving or selling the timber or trees on any original allowance for road. 3 Edw. VII. c. 19, s. 640, par. 7, *amended*.

Selling tim-  
ber on road  
allowance.  
3 Geo. V.  
c. 3.

8. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers. Edw. VII. c. 19, s. 640, par. 6.

Regulations  
re pits,  
precipices,  
etc.

9. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils. 3 Edw. VII. c. 19, s. 640, par. 9, *amended*.

Stone and  
gravel pits.

10. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges;

Power to  
enter upon  
land to take  
timber,  
gravel, etc.

- (a) The compensation to be paid to the owners of and other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised. 8 Edw. VII. c. 48, s. 22, *amended*.

Compensa-  
tion—how  
determined.

- (b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrators.

- (c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corporation may do so as occasion may require, doing no unnecessary damage, but before doing so the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration. *New.*

11. For purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, roadmaking machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

- (a) The debentures issued under this paragraph shall be on the instalment plan. 3 Edw. VII. c. 19, s. 640, pars. 10a, 10b, *amended.*

Taking  
stock in  
bridge  
company.

**484.** The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. 3 Edw. VII. c. 19, s. 645, *redrafted.*

Power to  
agree with  
owners of  
toll road  
as to the  
expenditure  
of statute  
labour  
thereon.

**485.** The council of every municipality through or adjoining which any toll road passes may enter into an agreement with the owner of the road to expend on it for a limited number of years, such statute labour or sum of money as may be agreed upon and that at the end of the term of years agreed upon such road shall be toll free and shall become the property of the corporation of the municipality in which it is situate. 3 Edw. VII. c. 19, s. 646, *amended.*

Joint  
works with  
other muni-  
cipalities.

**486.** The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 3 Edw. VII. c. 19, s. 647, par. 2.

#### TREES, PLANTING, PROTECTION AND REMOVAL OF.

**487.** The council of every municipality may pass by-laws

1. For causing any tree, planted or growing on any high-<sup>Removal</sup>  
way, square, lane or other public communication, to be <sup>of trees.</sup> removed if and when deemed necessary for any purpose of public improvement; but

(a) The owner of the adjacent land shall be entitled to ten days' notice of the intention of the council to remove such tree, and to be recompensed for his trouble in planting and protecting it, but neither he nor the occupant of the land shall be entitled to any further or other compensation.

(b) Neither the owner of the adjacent land nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure any such tree without the express permission of the council.

2. For planting and preserving shade and ornamental<sup>Planting</sup>  
trees upon any highway, and for granting to any person <sup>trees.</sup> or association of persons money to be expended for such purposes. 3 Edw. VII. c. 19, s. 574, par. 2, *redrafted*.

3. For prohibiting the injuring or destroying of trees or<sup>Ornamental</sup>  
shrubs on the highways, planted or preserved for shade or <sup>trees.</sup> ornament. 3 Edw. VII. c. 19, s. 547, pr. 3, *redrafted*.

4. For authorizing the Park Commissioner or any officer appointed for that purpose or a Committee of the Council to,

(a) Plant or cause to be planted trees in the highways of the municipality;

(b) Trim or cause to be trimmed all trees on private property the branches of which extend over a highway;

(c) Cut down or remove or cause to be cut down or removed all decayed trees;

(d) Remove or transplant or cause to be removed or transplanted any tree planted or growing in any highway, square, lane or other public communication after 48 hours' notice in writing to the

occupant

occupant of the land opposite to which the tree is planted or growing; but no live tree, unless within 30 feet of another tree, shall be removed without the consent of such occupant.

(1a) The notice mentioned in clause (d) may be given by leaving it with a grown-up person resident upon the land, or if the land is unoccupied by posting it in a conspicuous place on the land.

(1b) Neither the corporation nor any person acting under the authority of a by-law for the purposes mentioned in this paragraph shall incur any liability by reason of anything done under the authority of the by-law if reasonable care, skill and judgment are exercised in the doing of it, nor shall the corporation be liable to make compensation to the owner or occupant of the land further than as provided by this section.

(1c) Nothing in this paragraph shall limit the powers conferred by paragraphs 1, 2 and 3. 3 Edw. VII. c. 19, s. 574, pars. 4-6; s. 575; 4 Edw. VII. c. 22, s. 23; 6 Edw. VII. c. 34, s. 22, *redrafted*.

Cutting  
down trees  
on either  
side of  
highway.

**488.**—(1) The council of a county or a township may pass by-laws for requiring that on each or on either side of a highway or part of a highway which passes through a wood the trees, except such as are reserved by the owner for ornament or shelter, shall for a space not exceeding 25 feet from the limits of the highway or part of it be cut down and removed by the owner or occupant of the land within a time to be appointed by the by-law, and if he fails to do so, authorizing such person as may be named in the by-law to cut down and remove them.

(2) Where the owner or occupant fails to cut down and remove such trees in accordance with the requirement of the by-law the person named in the by-law for that purpose may cut down and remove them, and the trees may be used for the construction, improvement or repair of any highway or bridge in the road division in which the land is situated or may be sold by him to defray the expenses incurred in carrying out the provisions of the by-law. 3 Edw. VII. c. 19, ss. 658, par. 3, 660, par. 3, *redrafted*.



**489.**—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union. Expenditure for works in any county of a union.

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except in the case of an equality of votes, when the warden shall have the casting vote.

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

(4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. 3 Edw. VII. c. 19, s. 659 (1-4), *redrafted*.

**490.** The council of a township may pass by-laws for granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. 9 Edw. VII. c. 73, s. 30. Prizes for best kept roadside, etc.

**491.** The councils of all municipalities may pass by-laws

1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges; Obstruction of highways.
2. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist. Removal of doorsteps, etc.
3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited. Prohibiting building or maintaining fences on highways.

Worm  
fences.

- (a) Unless the by-law otherwise provides, a by-law passed under the authority of paragraph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

Prohibiting  
throwing  
dirt, glass,  
etc., on  
highways.

4. For prohibiting the throwing, placing or depositing on any highway or bridge of dirt, filth, glass, handbills, paper, or other rubbish or refuse, or the carcass of any animal. 3 Edw. VII. c. 19, ss. 557, 637, par. 4, *redrafted*.

Selling  
original  
road al-  
lowance.

**492.**—(1) Where a highway for the site of which compensation was paid has heretofore or shall hereafter be established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway has heretofore been or shall hereafter be legally stopped up, if the council determines to sell such original allowance or such stopped up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land which abuts on it shall have the right to purchase the soil and freehold of it at that price.

(2) Where there are more owners than one, each shall have the right to purchase that part of it upon which his land abuts, to the middle line of the stopped up highway.

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part which he has the right to purchase to any other person at the same or a greater price. 3 Edw. VII. c. 19, s. 640, par. 11, *redrafted*.

Where  
owner of  
land taken  
for high-  
way entitled  
to original  
road allow-  
ance.

**493.**—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title if he owns the land which abuts on such allowance shall be entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

(2) Where the land which so abuts is owned by more persons than one each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

(3)

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he shall be entitled to a part of the purchase money which bears the same proportion to the whole purchase money as the value of the part of the site of the new highway which belonged to him bears to the value of the whole site. 3 Edw. VII. c. 19, s. 641, *part redrafted*.

**494.**—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it, shall be entitled to the soil and freehold of such allowance or part of it, and if it has not already been conveyed to him or to his predecessor in title to a conveyance of it.

When person in possession entitled to original allowance.

(2) Where there are more persons than one in such possession each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section shall not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is in its opinion useless to the public.

(4) This section shall apply to roads and to streets hereafter laid out and opened and to such as have been heretofore laid out and opened. 3 Edw. VII. c. 19, s. 641, *part redrafted*.

**495.** Stone, gravel or other material shall not be put on any highway for the purpose of rebuilding or repairing it during the winter months so as to interfere with the use of sleighs, unless another convenient highway is provided while the rebuilding or repairing is being done. 3 Edw. VII. c. 19, s. 558, *redrafted*.

Stone or gravel on roads during sleighing.

**496.**—(1) The Lieutenant-Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a Provisional Judicial District not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway which he has stopped up or which in consequence of an alteration or diversion of it no longer forms part of the highway as altered or diverted. 5 Edw. VII. c. 22, s. 30, *redrafted*.

(2)

(2) The council of a township in unorganized territory surveyed without road allowance, but in which 5 per cent. of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section shall not apply. 61 V. c. 26, s. 2.

## PART XXII.

### PENALTIES AND ENFORCEMENT OF BY-LAWS.

Power to  
impose  
penalties.

**497.**—(1) By-laws may be passed by the councils of all municipalities and by Boards of Commissioners of Police for imposing penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Recovery  
of

(2) Every such penalty shall be recoverable under *The Ontario Summary Convictions Act*, all the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months for the breach of a by-law,

(a) of the council or the Board of Commissioners of Police of a city,

(b) of the council or board of any other municipality for the suppression of houses of ill-fame,

and in all other cases for any term not exceeding twenty-one days. 3 Edw. VII. c. 19, s. 702, *redrafted*.

Recovery of  
penalties.

**498.**—(1) Except where otherwise expressly provided, the penalties imposed by or under the authority of this Act or under the authority of a by-law of a municipal council or of a Board of Commissioners of Police passed under the authority of this Act, shall be recoverable and may be enforced under *The Ontario Summary Convictions Act*. 3 Edw. VII. c. 19, s. 704, *amended*.

10 Edw. VII.  
c. 37.

(2) Prosecutions for offences against sections 138, 142, 187 or 189 shall be heard and determined by a police magistrate or two justices of the peace, and in other respects the provisions of *The Ontario Summary Convictions Act* shall apply. *New*.

Application  
of penalties.

(3) Where the prosecution is brought by a peace officer or employee of the corporation or of the local Board of Health, the whole of the penalty shall belong to the corporation, and in other cases shall belong one-half to the corporation and the other one-half to the prosecutor. 3 Edw. VII. c. 19, s. 708, *amended*.

Convictions  
not invali-  
dated for  
want of  
proof of  
by-law.

**499.**—(1) A conviction for a contravention of any such by-law shall not be quashed for want of proof of the by-law before the convicting Justice, but the Court or a Judge hearing

hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit, or in such other manner as may be deemed proper.

(2) Nothing in this section shall relieve a prosecutor from the duty of proving the by-law or entitle the Justice to dispense with such proof. 3 Edw. VII. c. 19, s. 710, *redrafted*.

**500.** Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes. 3 Edw. VII. c. 19, s. 703, *amended*.

Enforcing performances of things required to be done under by-laws.

**501.** Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the corporation. 4 Edw. VII. c. 22, s. 19, *part redrafted*.

Power to restrain by action.

## PART XXIII.

### POLICE VILLAGES.

#### *Formation of.*

**502.**—(1) Under and subject to the provisions and conditions hereinafter mentioned, a locality may be erected into a police village by the council of the county in which it is situate, or if it comprises parts of two or more counties by the council of the county in which the larger or largest part of the locality is situate. 3 Edw. VII. c. 19, s. 714 (1), *part amended*.

Formation of police village.

(2) Where a petition signed by a majority of the freeholders of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such freeholders a majority of the whole number of freeholders and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150, and an area of not more than 500 acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law declaring the name which the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election

Petition of freeholders and tenants required.

By-law erecting village and fixing date of first election, etc.

of

of trustees and fixing a time and place for the first meeting of trustees. 3 Edw. VII. c. 19, s. 714 (1-2), *parts*; 6 Edw. VII. s. 34, s. 41 (1); 8 Edw. VII. c. 48, s. 28, *amended*.

Annexation  
of territory  
to police  
village.

**503.**—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the freeholders and tenants of the village, whose names are entered upon the last revised assessment roll, and of the majority of the resident freeholders and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, may by by-law increase the area of the village by adding to it any adjoining land, but not exceeding 20 acres for each additional 100 of its population over 500. 3 Edw. VII. c. 19, s. 714*a*; 6 Edw. VII. c. 34, s. 41 (3), *amended*.

(2) Land in another county shall not be included in the increased area without the consent of the council of that county. *New*.

Application  
of proceed-  
ings as to  
incorpora-  
tion of  
village.

**504.** Subsections 2, 3, 5, 6 and 9 of section 13 shall apply to the proceedings under the next two preceding sections, and the population of the locality shall be determined in case of dispute in such manner and by such means as the council shall determine. *New*.

#### *Trustees—Election of, etc.*

Trustees—  
number of

**505.**—(1) There shall be three trustees for every police village. 3 Edw. VII. c. 19, s. 716.

General  
powers.

(2) The trustees may contract and may sue and be sued, and may pass by-laws by and in the name of the trustees of the police village of (*naming it*) but they shall not be personally liable upon their contracts. *New*.

Application  
of provis-  
ions as to  
election, etc.  
of township  
councillors.

**506.**—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 6, the provisions of Parts 2, 3 and 4, which are applicable to councillors of townships, shall apply *mutatis mutandis* to trustees of police villages. *New*. See 3 Edw. VII. c. 19, ss. 717-727 and 729-733.

Appoint-  
ment of re-  
turning of-  
ficer—nom-  
ination and  
polling.

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling for every election except the first. 3 Edw. VII. c. 19, s. 721, *amended*.

Duty of  
clerk of  
township  
as to pre-  
paring  
voters' list.

(3) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof. 3 Edw. VII. c. 19, s. 728, *amended*.

(4)



(4) The return of the ballot box provided for by section 122 shall be made, Return of ballot box.

(a) Where the village lies wholly within the township to the clerk of that township;

(b) Where the village comprises parts of two or more townships in the same county to the clerk of that county;

(c) Where the village comprises parts of two or more townships in different counties to the clerk of the county in which the larger or largest part of the village is situate. 3 Edw. VII. c. 19, s. 733, *amended*.

(5) The clerk to whom the ballot box is returned shall perform the duties which under sections 126 and 127 are to be performed by the clerk of a municipality. *New*. Duties of clerk on receiving ballot box.

(6) No person shall be qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village. 3 Edw. VII. c. 19, s. 717 (1), *part amended*. Qualification of trustee.

(7) No person shall be qualified to vote at an election of trustees unless he has the prescribed qualification in the village. 3 Edw. VII. c. 19, s. 719, *amended*. Qualification of elector.

(8) The first meeting of the trustees after the annual election shall be held at noon on the 3rd Monday in January, or on some day thereafter at noon. 3 Edw. VII. c. 19, s. 737, *amended*. First meeting of trustees.

**507.** If a vacancy occurs in the office of trustee the remaining trustees or trustee shall, by writing, appoint a trustee to fill the vacancy. 3 Edw. VII. c. 19, s. 734, *part amended*. Vacancies—how filled.

**508.**—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee. 3 Edw. VII. c. 19, s. 735, *part amended*. Appointment of inspecting trustee.

(2) Forthwith after the making of an appointment under subsection 1 or under section 507, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 4 of section 506. Requirement as to filing appointment of inspecting trustee, etc.

**509.**—(1) The trustees may at any time before the first day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year. 3 Edw. VII. c. 19, s. 738, *part amended*. Requisition on township council to raise sums to meet expenditure.



Case of village situate in more than one township.

(2) Where the village comprises parts of two or more townships the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 510. 3 Edw. VII. c. 19, s. 739, *amended*.

(3) The amount which the trustees may require to be so levied shall not in any year exceed a sum which a rate of one cent in the dollar on the rateable property in the village will provide, but this shall not apply to a rate imposed or to be levied under sections 516, 517, or 519. 3 Edw. VII. c. 19, s. 738, *part amended*.

Apportionment of rate among townships by assessors.

**510.**—(1) Where a village comprises parts of two or more townships the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships.

Time for meeting of assessors.

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township.

(3) Thereafter and in the case of all other police villages the meeting shall be held in every second year.

(4) In the case of now existing police villages the two years shall be reckoned from the respective times when the last determination was made by the assessors. 3 Edw. VII. c. 19, s. 739a (1), *amended*.

Determination when assessors differ.

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority shall be final and conclusive. 3 Edw. VII. c. 19, s. 739a (2), *part amended*.

Notice of determination to be given to clerk of township.

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships. 3 Edw. VII. c. 19, s. 739a (2), *part*.

Who to call meeting of assessors.

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village. 3 Edw. VII. c. 19, s. 739a (3).

How long determination to govern.

(8) The proportions as determined under this section shall govern until the next determination is to be made as provided by subsection 3. 3 Edw. VII. c. 19, s. 739a (2), *part*.

**511.** The ratepayers of the village shall be entitled to such deduction from the township rate payable by them as may be agreed on between the trustees and the council of the township, or if the village comprises parts of two or more townships, by the councils of the respective townships, or if they are unable to agree as shall be determined by a judge of the county court of the county in which the village, or if it comprises more counties than one, the larger or largest part of the village is situate. 3 Edw. VII. c. 19, s. 740, *amended*.

**512.**—(1) The trustees shall be entitled to have the statute labour to be performed by the ratepayers of the village performed in the village.

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village which is situate in the township, the council shall provide for such commutation at such rate not exceeding \$1 per day, as may be requested by the trustees. 3 Edw. VII. c. 19, s. 740a, *redrafted*.

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. *New*.

**513.**—(1) The trustees may

Powers of trustees.

(a) construct sidewalks and culverts and make, improve, drain and repair the highways in the village;

(b) make contracts for the supply of light, heat or power by any person to the trustees for the purposes of the village or to the residents thereof;

and do all things necessary for any of such purposes. 3 Edw. VII. c. 19, s. 741, *redrafted*.

**514.**—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of

(a) The sum required by section 509 to be levied by the council of the township and any sum which the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;

(b)

- (b) Any money received for license fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 524, 525 and 526; and

- (c) Any money placed to the credit of the trustees under the authority of section 515.

When orders  
not to be  
given.

- (2) An order shall not be given under this section except for work actually performed or in payment in pursuance of an executed contract. 3 Edw. VII. c. 19, ss. 742, 743; 10 Edw. VII. c. 85, s. 20, *redrafted*.

Power of  
township  
to pay to  
trustees  
part of  
moneys re-  
ceived for  
liquor li-  
censes, etc.,  
in villages.  
Rev. Stat.  
c. 245.

**515.** The council of a township in which the whole or a part of a police village is situate may by by-law provide that the whole or any part of the money received by the corporation of the township for licenses issued under *The Liquor License Act* for premises situate in the village or for penalties imposed for offences against that Act committed in the village shall be placed to the credit of the trustees in the books of the treasurer of the township. 3 Edw. VII. c. 19, s. 742a, *amended*.

Submission  
of money  
by-laws for  
certain pur-  
poses.

**516.**—(1) Upon the application of the trustees the council of a township in which a police village is situate shall submit for the assent of the electors of the village, and if it receives such assent shall pass a by-law for borrowing money for

- (a) The construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) The purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) Lighting the highways in the village; and
- (d) Supplying light, heat or power to the trustees for the purposes of the village or to the residents thereof;

and for the issue of debentures of the corporation of the township for the money borrowed, payable on the instalment plan, at such time within ten years and in such manner as the trustees may request. 3 Edw. VII. c. 19, s. 744 (1), *part*; 4 Edw. VII. c. 22, s. 35, *redrafted*.

Special  
rate.

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village. 3 Edw. VII. c. 19, s. 744 (1), *part*.

(3)

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the bylaw was passed. Expenditure of money borrowed.

(4) When the by-law is passed, the trustees may undertake the work or service. Undertaking of work.

(5) The trustees shall have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of light, heat or power. Control of fire engines, etc.

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service which has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power. 3 Edw. VII. c. 19, s. 744 (3-5), *redrafted*. Statement to be furnished to clerk of township, of amount required to be levied for certain purposes.

**517.**—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection at a cost not exceeding \$3,000, and pay therefor in instalments within ten years. Purchase of fire engines and appliances with consent of township council.

(2) Upon the purchase being made the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township on the instalment plan, payable within ten years. Township to pass debenture by-law.

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village. Special rate.

(4) The assent of the electors to the by-law shall not be necessary. Assent of electors not required.

(5) Subsections 5 and 6 of section 516 shall apply to a fire engine and appliances purchased under the authority of this section. 6 Edw. VII. c. 34, s. 43, *part redrafted*.

**518.** The trustees may contract with the corporation of a township in which the whole or any part of the village is situate for the use by the corporation of a fire engine and appliances purchased under the authority of this Part upon such Agreement for use by township of fire engine.

such terms as to payment for the use of them and otherwise as may be agreed upon. 6 Edw. VII. c. 34, s. 43, *part amended*.

*Establishment of Parks, Gardens, etc.*

Acquiring  
land for  
parks, exhi-  
bitions, etc.

**519.**—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws the council of a township in which a police village is situate may pass a by-law for acquiring land within or without the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes. 3 Edw. VII. c. 19, s. 746 (1); 7 Edw. VII. c. 40, s. 38 (1), *redrafted*.

Control and  
management  
of parks,  
etc.

(2) The trustees shall have the care, control and management of such highway, park, garden or place. 3 Edw. VII. c. 19, s. 746 (3), *part*; 7 Edw. VII. c. 40, s. 38 (3), *part*.

Powers of  
township  
council as  
to levying  
cost of  
parks, etc.

(3) The council of the township may provide that,

(a) The money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village, or,

(b) Such money be raised by the issue of debentures of the corporation of the township on the instalment plan payable within 10 years.

(4) The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village. 3 Edw. VII. c. 19, s. 746 (2); 7 Edw. VII. c. 40, s. 38 (2), *amended*.

Statement  
as to  
amount  
required for  
maintenance  
of parks, etc.

(5) The trustees shall annually before the striking of the rate for the year by the council of the township, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place of exhibitions, and the same shall be levied upon the land in the village. 3 Edw. VII. c. 19, s. 746 (3), *part*; 7 Edw. VII. c. 40, s. 38 (3), *part*.

Assent of  
electors not  
required.

(6) The assent of the electors to a by-law passed under this section shall not be necessary. 3 Edw. VII. c. 19, s. 746 (4).

**520.**—(1) Where the village comprises parts of two or more townships a by-law for the purposes mentioned in sections 516, 517 and 519 may be passed by the trustees, with the assent of the electors of the village qualified to vote on money by-laws; and for the purposes of such by-laws the trustees shall have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

Trustees to pass money by-laws where village situate in two or more townships.

(2) The by-law shall fix the proportion of the debt, for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 509 is to be levied according to the then last determination of the assessors or of the assessors and the inspecting trustee under section 510.

Fixing proportion of debt to be borne by parts of village.

(3) If the by-law receives the assent of the electors, the trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

Certified copy of by-law to be sent to clerk of each township.

(4) The council of each township shall forthwith there-after pass a by-law for raising the amount which is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it shall not be necessary that such by-law shall receive the assent of the electors or impose any rate for the payment of the debentures.

By-law of township for raising money.

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. 3 Edw. VII. c. 19, s. 744a, *redrafted*.

Special rates.

**521.**—(1) The trustees may appoint a constable for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Appointment of constable.

(2) The constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Salary.

(3) Where the constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village. 3 Edw. VII. c. 19, s. 746a; 5 Edw. VII. c. 22, s. 48, *redrafted*.

When fees of constable to belong to village.

*Special Powers.*

Special powers of trustees.

**522.**—(1) The trustees shall have the like power to pass by-laws as is conferred on the council of a village with respect to the matters under the following sub-headings,—

- (a) Pounds;
- (b) Spitting on sidewalks;
- (c) Snow and ice, removal of;
- (d) Traffic on highways, etc., driving of cattle, etc.;
- (e) Driving or riding on roads and bridges;
- (f) Sidewalks—Horses and cattle upon;
- (g) Sidewalks—Vehicles on;
- (h) Bagatelle and billiard tables;
- (i) Exhibitions, places of amusement, etc.;
- (j) Tobacconists; and
- (k) Free libraries.

Fixing amount of license fee.

(2) Where power is conferred to license, the license fee shall be fixed by the trustees, and subsections 1, 3, 4, and 5 of section 253 shall apply.

When by-law of township not to apply to village.

(3) While a by-law passed under the authority of subsection 1 is in force, no by-law of the council of the township applicable to the same subject matter shall apply to or be in force in the village. 3 Edw. VII. c. 19, s. 746b (1); 5 Edw. VII. c. 22, s. 42; 10 Edw. VII. c. 85, s. 21, *amended*.

Authentication of by-laws.

**523.**—(1) Every by-law of the trustees shall be signed by at least two of them.

Certified copies to be sent to clerk of township.

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. 3 Edw. VII. c. 19, s. 746c, *redrafted*.

*Prevention of Fire.*

For providing ladders, etc.

**524.**—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission; and a further penalty of \$2 for every week for which such omission continues.

Penalty.



(2) Every householder shall provide himself with two <sup>Fire buckets.</sup> buckets fit for carrying water in case of accident by fire, under <sup>Penalty.</sup> a penalty of \$1 for each bucket not so provided.

(3) No person shall build any oven or furnace unless it <sup>As to</sup> adjoins and is properly connected with a chimney of stone <sup>furnaces,</sup> or brick at least three feet higher than the house or building <sup>etc.</sup> in which the oven or furnace is built, under a penalty not <sup>Penalty.</sup> exceeding \$2 for non-compliance.

(4) No person shall pass a stove-pipe through a wooden <sup>Stove pipes.</sup> or lathed partition or floor, unless there is a space of four <sup>etc.</sup> inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a <sup>Penalty.</sup> penalty of \$2.

(5) No person shall enter a mill, barn, outhouse or stable, <sup>Lights in</sup> with a lighted candle or lamp, unless it is well enclosed in <sup>stables, etc.</sup> a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1. <sup>Penalty.</sup>

(6) No person shall light or have a fire in a wooden house <sup>Chimneys.</sup> or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a <sup>Penalty.</sup> penalty of \$1.

(7) No person shall carry fire or cause fire to be carried <sup>Securing</sup> into or through any street, lane, yard, garden or other place, <sup>fire carried</sup> unless such fire is confined in a copper, iron or tin vessel, <sup>through</sup> under a penalty of \$1 for the first offence, and of \$2 for <sup>streets, etc.</sup> every subsequent offence. <sup>Penalty.</sup>

(8) No person shall light a fire in a street, lane or public <sup>Lighting</sup> place under a penalty of \$1. <sup>fires on</sup> <sup>Penalty.</sup>

(9) No person shall place hay, straw or fodder, or cause <sup>Hay, straw,</sup> the same to be placed, in a dwelling house, under a penalty <sup>etc.</sup> of \$1 for the first offence, and of \$5 for every week the hay, <sup>Penalty.</sup> straw or fodder is suffered to remain there.

(10) No person, except a manufacturer of pot or pearl <sup>Ashes, etc.</sup> ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or <sup>Penalty.</sup> cinders, under a penalty of \$1.

(11) No person shall place or deposit any quick or un-<sup>Lime.</sup> slacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further pen- <sup>Penalty.</sup> alty of \$2 a day until the lime has been removed, or is se- <sup>cured</sup>

cured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee.

Charcoal  
furnaces  
Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of \$5.

### *Gunpowder.*

Gunpowder,  
how to  
be kept.

**525.**—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence.

Penalty.

Not to be  
sold at  
night.

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence.

### *Nuisances.*

Certain  
nuisances  
prohibited.

**526.** No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. 3 Edw. VII. c. 19, s. 747.

Trustees  
required to  
prosecute  
offenders

**527.**—(1) It shall be the duty of the trustees to see that the provisions of the next preceding three sections are not contravened, and that offenders are prosecuted for breaches of them. 3 Edw. VII. c. 19, s. 748, *part redrafted*.

Penalty for  
neglect to  
prosecute

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 524, 525 or 526, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, shall incur a penalty of \$5. 3 Edw. VII. c. 19, s. 749, *redrafted*.

Penalties—  
how recov-  
erable.

10 Edw. VII.  
c. 37.

**528.** The penalties imposed by or under the authority of this Part shall be recoverable under *The Ontario Summary Convictions Act*, all of the provisions of which shall apply except that proceedings for the recovery of penalties for contraventions of sections 524 to 527 shall be commenced within ten days after the commission of the offence, or if it is a continuing offence, within ten days after it has ceased and not afterwards. *New. See* 3 Edw. VII. c. 19, s. 748.

*Incorporation*

*Incorporation of Trustees.*

**529.**—(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled “The Board of Trustees of the Police Village of \_\_\_\_\_” (*naming it*). Incorporation of Board of Trustees.

(2) The provisions of this Part as to the erection of a Police Village shall apply *mutatis mutandis* to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than 50 resident freeholders of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. 3 Edw. VII. c. 19, s. 751, *amended*. Procedure as to incorporation of board.

**530.**—(1) At its first meeting in each year the Board shall appoint one of its members to be the Chairman, and shall also appoint a Secretary. 5 Edw. VII. c. 22, s. 41; 6 Edw. VII. c. 34, s. 42, *redrafted*. Appointment of chairman and secretary.

(2) The chairman shall, if present, preside at all meetings of the Board and in his absence the Board shall appoint one of its members to act as Chairman during such absence, *New*.

**531.**—(1) The by-laws of the Board shall be signed by the Chairman or acting Chairman and shall be sealed with its seal. Authentication of by-laws.

(2) The provisions of this Act as to the proof of by-laws of a council shall apply to the by-laws of the Board. 5 Edw. VII. c. 22, s. 43, *part redrafted*.

**532.** The expenses of repairing and maintaining all works, improvements and services undertaken by the Board under the authority of this Act, shall be borne by the Board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the Board, in like manner as the money to be levied as provided by section 509. 3 Edw. VII. c. 19, s. 753. Repair and maintenance of local improvement works.

**533.**—(1) If the Board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 460 for damages suffered by or occasioned to any person in consequence of such default, the corporation shall be entitled to the remedy over against the Board provided for by section 464. Remedy over of township against Board for damages occasioned by non-repair.

Special rate  
for collec-  
tion of  
amount of  
damages.

(2) The amount required to satisfy the liability of the Board shall be levied and collected by a special rate on the rateable property in the village, and it shall be the duty of the Board to make a requisition in writing to the council of the township to levy and collect the same.

Apportion-  
ment of  
special rate.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 510, and shall be levied and collected by the councils thereof in accordance with the requisition of the Board. *New.*

Power to  
construct  
water, light,  
heat, power,  
and gas  
works.

**534.**—(1) The Board shall have the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

Copy of by-  
law to be  
filed with  
township  
clerk.

(2) A copy of every by-law passed under the authority of subsection 1, shall be filed with the clerk of every township in which any part of the village is situate.

Special  
rates.

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and where the village comprises parts of two or more townships, the council of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township. 3 Edw. VII. c. 19, s. 756, *redrafted*.

(4) The proportion to be raised by each township shall be determined under the provisions of section 510. *New.*

Board to  
have  
powers of  
trustees of  
a police  
village.

**535.**—(1) The powers expressly conferred on boards of trustees of police villages shall be in addition to the powers conferred by this Part on trustees of a Police Village, and except where other provision is made by this Part with respect to such boards all the provisions of this Part relating to trustees of police villages shall apply to such boards. 3 Edw. VII, c. 19, s. 757, *redrafted*.

Power to  
impose  
penalties,  
etc.

(2) Section 497, subsection 2 of section 498, and sections 499 and 500 shall apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. 5 Edw. VII. c. 22, s 51, *redrafted*.

## PART XXIV.

## MISCELLANEOUS.

**536.** Where the Forms therefor are not prescribed by this <sup>Forms of</sup> Act the Municipal Board may approve of forms of by-laws, <sup>by-laws,</sup> notices and other proceedings to be passed, given, or taken <sup>n</sup> <sup>tices, etc.</sup> under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the Form so approved, shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such Forms shall not be obligatory.

**537.**—(1) The Acts and parts of Acts mentioned in <sup>Repeal.</sup> Schedule “A,” are repealed.

(2) The repeal of section 566 of *The Consolidated Municipal Act, 1903*, shall not take effect until a day named by <sup>Exception.</sup> proclamation of the Lieutenant-Governor in Council.

**538.** This Act shall come into force on the first day of <sup>When Act to</sup> July, 1913. <sup>take effect.</sup>

## SCHEDULE A.

## ACTS AND PARTS OF ACTS REPEALED.

Revised Statutes of Ontario, 1897, c. 225.—The whole Act.

- 2 Edw. VII. c. 30.—The whole Act.
- 3 Edw. VII. c. 19.—The whole Act.
- 4 Edw. VII. c. 22.—The whole Act.
- 5 Edw. VII. c. 22.—The whole Act.
- 5 Edw. VII. c. 25.—The whole Act.
- 6 Edw. VII. c. 34.—The whole Act.
- 6 Edw. VII. c. 35.—The whole Act.
- 7 Edw. VII. c. 40.—The whole Act.
- 8 Edw. VII. c. 48.—The whole Act.
- 8 Edw. VII. c. 51.—The whole Act.
- 9 Edw. VII. c. 73.—The whole Act.
- 9 Edw. VII. c. 74.—The whole Act.
- 10 Edw. VII. c. 85.—The whole Act.
- 1 Geo. V. c. 57.—The whole Act.
- 2 Geo. V. c. 40.—The whole Act.
- 2 Geo. V. c. 41.—The whole Act.
- 2 Geo. V. c. 17, sec. 34 (2) and s. 35.

## FORM 1.

## DECLARATION OF INCORPORATION.

## TOWNSHIPS IN UNORGANIZED TERRITORY.

I, \_\_\_\_\_ Judge of the District Court of the Provisional Judicial District of \_\_\_\_\_ hereby certify:

1. That the inhabitants of the township of \_\_\_\_\_ in the said district (or of that part of the said district described as follows [*describing it*]), or of the townships of \_\_\_\_\_ and \_\_\_\_\_ in the said district (*as the case may be*), are incorporated as a township municipality (or as a union of townships municipality, *as the case may be*), by the name of the Corporation of the township of \_\_\_\_\_ (or of the united townships of \_\_\_\_\_), as the case may be.

2. That \_\_\_\_\_ was elected reeve and \_\_\_\_\_ were elected councillors for the municipality.

3. The first meeting of the council shall be held on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

## FORM 2.

## DECLARATION OF QUALIFICATION BY CANDIDATE.

I, A. B., declare that

1. I am a British subject by birth (*or naturalization*), and not a citizen or subject of any foreign country.

2. I have to my own use and benefit in my own right (or my wife has, *as the case may be*) as owner (*or tenant, as the case may be*), such estate as qualifies me for the office of (*naming the office*) for which I am a candidate (*a*), (*d*).

3. Such estate is (*state the nature of the estate as a legal estate of freehold or otherwise, as the case may be*) in \_\_\_\_\_ (*designate the land by its local description or otherwise*).

4. The land is assessed in my own name (*or in the name of my wife, as the case may be*) on the last revised assessment roll of this municipality at the sum of \$ \_\_\_\_\_ (*b*) which exceeds by at least \$ \_\_\_\_\_ the amount of all liens, charges and encumbrances thereon (*c*).

5. I am not liable for any arrears of taxes to the corporation of this municipality.

6. There are no arrears of taxes against the land in respect of which I qualify.

Declared before me at \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_

A. B.

(*a*) Where the candidate qualifies under subsection 2 of section 52, substitute for paragraphs 2 and 4 the following:

2. I had to my own use and benefit (*or my wife had, as the case may be*), as owner (*or tenant, as the case may be*), at the time of the return of the last assessment roll of this municipality such an estate in land rated on that assessment roll in my own name or in the name of my wife *as the case may be*, as would have qualified me for the office of (*naming it*).

4. I have (or my wife has, *as the case may be*) an estate in land (*describing it*) assessed on the last revised assessment roll of this municipality for \$——, which exceeds by at least \$—— the amount of all liens, charges and encumbrances thereon, and is sufficient to qualify me for such office if I (or my wife, *as the case may be*) had been assessed for it.

(b) Where the candidate qualifies on a leasehold estate omit the remainder of this paragraph.

(c) Where the candidate qualifies under clause (e) of subsection 1 of section 52, substitute for paragraph 4 the following:

4. The land is assessed in my own name (or in the name of my wife, *as the case may be*) on the last revised assessment roll of this municipality for at least \$2,000, and I am in actual occupation of such land.

(d) In the case of a person elected as a member of a township council substitute for the words "for which I am a candidate" the words "to which I was elected," and change paragraphs 2, 6 and 7 so as to refer to the time of the election.

### FORM 3.

#### BALLOT PAPER FOR CITIES AND TOWNS.

##### FORM FOR MAYOR.

Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. 19 , day of January, 19 .	FOR MAYOR.	<b>ALLAN.</b> Charles Allan, of King Street, in the City of Toronto, Merchant.
		<b>BROWN.</b> William Brown, of the City of Toronto, Banker.

##### FORM FOR REEVE AND DEPUTY REEVE IN TOWNS.

Election for the Members of the Municipal Council of the Town of Ward No. , Polling Subdivision No. of January, 19 .	FOR DEPUTY-REEVE.	<b>CLITHEROE.</b> Albert Clitheroe, of the Town of Galt, Baker.
		<b>HUGHES.</b> David Hughes, of the Town of Galt, Tinsmith.
	FOR REEVE.	<b>FARQUHARSON.</b> Robin Farquharson, of the Town of Galt, Builder.
		<b>MacPHERSON.</b> Roderick MacPherson, of the Town of Galt, Printer.



## FORM FOR ALDERMEN OR COUNCILLORS.

Election for the Members of the Municipal Council of the City of Ward No.                      Polling Sub- division No.           day of January, 19   .	FOR ALDERMAN (or COUNCILLOR.	<b>ARGO.</b> James Argo, of the City of To- ronto, Gentleman.
		<b>BAKER.</b> Samuel Baker, of the City of To- ronto, Baker.
		<b>DUNCAN.</b> Robert Duncan, of the City of Toronto, Printer.

[Note:—In the case of cities and towns where the Alder-  
 men or Councillors are elected by general vote the form  
 above given is to be adapted to suit the case.]

## FORM 4.

## BALLOT PAPER FOR VILLAGES.

Election of Members of the Municipal Council of the in the County of                      , Polling Subdivision No.   . day of January, 19   .	FOR REEVE.	<b>BROWN.</b> John Brown, of the Village of Weston, Merchant.
		<b>ROBINSON.</b> George Robinson, of the Village of Weston, Physician.
	FOR COUNCILLORS.	<b>BULL.</b> John Bull, of the Village of Weston, Butcher.
		<b>JONES.</b> Morgan Jones, of the Village of Weston, Grocer.
		<b>McALLISTER.</b> Allister McAllister, of the Village of Weston, Tailor.
		<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Weston, Milkman.

**FORM 5.**  
**BALLOT PAPER FOR TOWNSHIPS.**

Election of Members of the Municipal Council of the Township of  in the County of	<b>FOR REEVE.</b>	<p style="text-align: center;"><b>ALLSOPP.</b></p> <p>Albert Allsopp, of the Township of York, Brewer.</p>
	<b>FOR FIRST DEPUTY-REEVE.</b>	<p style="text-align: center;"><b>BURTON.</b></p> <p>Henry Burton, of the Township of York, Farmer.</p>
	<b>FOR SECOND DEPUTY-REEVE.</b>	<p style="text-align: center;"><b>BANKS.</b></p> <p>John Banks, of the Township of York, Blacksmith.</p>
	<b>FOR THIRD DEPUTY-REEVE.</b>	<p style="text-align: center;"><b>CALDWELL.</b></p> <p>Henry Caldwell, of the Township of York, Market Gardener.</p>
	<b>FOR COUNCILLORS.</b>	<p style="text-align: center;"><b>CONNOR.</b></p> <p>Patrick Connor, of the Township of York, Cattle Dealer.</p>
	<p style="text-align: center;"><b>DAVIDSON.</b></p> <p>Thomas Davidson, of the Township of York, Milkman.</p>	
	<p style="text-align: center;"><b>EDWARDS.</b></p> <p>Daniel Edwards, of the Township of York, Miller.</p>	
	<p style="text-align: center;"><b>FERGUSON.</b></p> <p>George Ferguson, of the Township of York, Nurseryman.</p>	
	<p style="text-align: center;"><b>BRITTON.</b></p> <p>James Britton, of the Township of York, Farmer.</p>	
	<p style="text-align: center;"><b>LLOYD.</b></p> <p>David Lloyd, of the Township of York, Farmer.</p>	
	<p style="text-align: center;"><b>MACDONALD.</b></p> <p>Philip Macdonald, of the Township of York, Agent.</p>	
	<p style="text-align: center;"><b>O'LEARY.</b></p> <p>Dennis O'Leary, of the Township of York, Farmer.</p>	

*Note.*—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required; and the counterfoils shall bear, instead of the words appearing on the form, the words “Election of . . . . ., to fill a vacancy in the office of . . . . ., Ward No. . . . ., Polling subdivision No. . . . ., day of . . . .’ 19 . . . .”

Where controllers, or commissioners, or members of the Board of Education are to be elected, the ballot papers are to be similar in form.

## FORM 6.

### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus **X** on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be) who will if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labor. 3 Edw. VII., c. 19, Sched. B. part.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O’Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favor of John Bull and Patrick O’Connell for Councillors.

	<p>Election for the Members of the Municipal Council of the of No. day of Jan- uary, 19</p>	<p>FOR MAYOR.</p>	<p><b>THOMPSON.</b></p> <p>Jacob Thompson, of the Town of Barrie, Merchant. <b>X</b></p> <hr/> <p><b>WALKER.</b></p> <p>Robert Walker, of the Town of Barrie, Physician.</p>
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Election for the Members of the Municipal Council of the No. , Ward day of January, 19'	FOR REEVE.	<b>JONES</b> George Jones, of the Town of Barrie, Barrister.	<b>X</b>
	<b>SMITH</b> John Smith, of the Town of Barrie, Banker.		

Election for the Members of the Municipal Council of the No. , Ward day of January, 19'	FOR DEPUTY REEVE	<b>BROWN</b> Thomas Brown, of the Town of Barrie, Grocer.	
	<b>DAVIS</b> William Davis, of the Town of Barrie, Jeweller.		<b>X</b>

Election for the Members of the Municipal Council of the No. , Ward No. day of January, 19'	FOR COUNCILLORS.	<b>BULL</b> John Bull, of the Town of Barrie, Butcher.	<b>X</b>
		<b>JONES</b> Morgan Jones, of the Town of Barrie, Grocer.	
		<b>McALLISTER</b> Allister McAllister, of the Town of Barrie, Tailor.	
		<b>O'CONNELL</b> Patrick O'Connell, of the Town of Barrie, Milkman.	<b>X</b>

## FORM 7.

FORM IN WHICH POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.		Description of Property in respect of which the voter is entitled to vote.	Freeholder, Tenant, Farmer's Son or Income Voter.	Residence of Voter.	Occupation.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Mayor and Reeve.	Deputy Reeves.	Councillors.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" is to be headed "Reeve." Where Controllers or Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings.

3 Edw. VII. c. 19, *Sched. C, amended.*

## FORM 8.

## CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the  
of

19

I, A. B., Clerk of the Municipality of in the  
county of hereby certify that the assess-  
ment roll for this municipality upon which the voters' list to be  
used at this election is based was finally revised on the  
day of 19, and that the last day for making  
complaint to the Judge with respect to the list was the  
day of 19

Dated this

day of

19

[Seal.]

A. B.,  
Clerk.3 Edw. VII. c. 19, *Sched. D.*

## FORM 9.

## OATH TO BE ADMINISTERED TO A VOTER.

You swear (a)

1. That you are the person named or intended to be named by  
the name of in the list (or  
supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of His  
Majesty, and of the full age of twenty-one years.

3. That you are not a citizen or subject of any foreign country.

4. (*In the case of an unmarried woman or widow*) That you are  
unmarried (or a widow, as the case may be).

5. That (c)

6. (*In the case of a municipality not divided into wards*) That  
you have not voted before at this election at this or any other poll-  
ing place.

7. (*Where the municipality is divided into wards and the elec-  
tion is not by general vote*) That you have not voted before  
at this election at this or any other polling place in this ward,  
(or if the election is by general vote) that you reside in this polling  
subdivision (or are not entitled to vote in the polling subdivision  
in which you reside or are not resident within the municipality,  
as the case may be), and that you have not voted before or else-  
where at this election, and will not vote elsewhere at this election  
(d).

8. That you have not directly or indirectly received any reward  
or gift, nor do you expect to receive any, for the vote which you  
tender.

9. That you have not received anything, nor has anything been  
promised you, directly or indirectly, either to induce you to vote  
at this election, or for loss of time, travelling expenses, hire of  
team, or any other service connected with this election.

10. That you have not directly or indirectly paid or promised  
anything to any person to induce him to vote or to refrain from  
voting at this election.

(a) *If the voter is a person who may by law affirm in civil cases,  
substitute for "swear," "solemnly affirm."*

(b) *In the case of a new municipality in which there has not  
been any assessment roll, instead of referring to the list of voters,  
the oath is to state the land in respect of which the person claims  
to vote.*

(c) *In the case of a person claiming to vote in respect of a free-  
hold estate, insert here, "At the date of this election you are in  
your own right, or your wife is, a freeholder within this polling  
subdivision (or, where the ward is not divided into polling sub-  
divisions, "within this ward");*

In





## FORM 10.

## DECLARATION OF INABILITY TO READ.

I, A. B., of \_\_\_\_\_, being numbered \_\_\_\_\_ on the voters' list, for polling subdivision No. \_\_\_\_\_, in the City (or as the case may be) of \_\_\_\_\_, being a legally qualified elector for the City (or, as the case may be) of \_\_\_\_\_ declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be).

(A. B., His ☒ Mark.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
3 Edw. VII. c. 19, Sched. E.

NOTE.—If the person objects on religious grounds to mark a ballot paper, the declaration may be made orally and to the above effect.

## FORM 11.

## CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, C. D., Deputy Returning Officer for polling subdivision No. \_\_\_\_\_ for the City (or as the case may be) of \_\_\_\_\_, hereby certify that the above (or within) declaration, having been first read to the above (or within) named A. B., was signed by him in my presence with his mark.

C. D.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
3 Edw. VII. c. 19, Sched. F.

## FORM 12.

## OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, \_\_\_\_\_ swear that I am the person to whom \_\_\_\_\_ Deputy Returning Officer for Polling Subdivision No. \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_ entrusted the ballot box for the said polling subdivision to be delivered to the Clerk; that the ballot box which I delivered to the Clerk this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer.

Sworn before me at \_\_\_\_\_ }  
this \_\_\_\_\_ }  
day of \_\_\_\_\_ 19 \_\_\_\_\_ }

## FORM 13.

## OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, A. B., Deputy Returning Officer for Polling Subdivision No. \_\_\_\_\_, of the City (or, as the case may be) of \_\_\_\_\_ in the County \_\_\_\_\_, swear that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has

been

been kept correctly, that the total number of votes polled according to the said poll book is , and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, voters' list, poll book, packets containing ballot papers, and other documents required by law to be returned by me to the Clerk, have been faithfully and truly prepared and placed in the ballot box, and are contained in the ballot box returned by me to the Clerk, which was locked and sealed by me, in accordance with the provisions of *The Municipal Act*, and remained so locked and sealed while in my possession.

Sworn before me at  
in the County of  
this day of , 19 . } A. B.

### FORM 14.

#### OATH OF SECRECY.

I, A. B., swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Sworn before me this  
day of 19 . } A. B.

C. D.,

J. P., or as the case may be.

NOTE.—When the voting is on a by-law or question the Form is to be adapted to that case.

3 Edw. VII. c. 19, *Sched. I.*

### FORM 15.

#### CERTIFICATE OF CLERK AS TO ELECTION OF REEVES AND DEPUTY REEVES.

I, A. B., of Clerk of the Corporation  
of the town (township or village, as the case may be) of  
in the County of do  
hereby, under my hand and the seal of the said Corporation, certify that C. D., of Esquire (or as the case may be), was duly elected reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be) of the said town (township or village, as the case may be), and has made and subscribed the declaration of office and qualification as such reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be). A. B.

6 Edw. VII. c. 35, s. 3,

FORM

## FORM 16.

## DECLARATION OF OFFICE

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been elected( *or appointed*) in this municipality, and that I have not received, and I will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (*where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, add the words following*) save and except that arising out of my office as clerk (*or my office as assessor or collector, or as the case may be*).

3 Edw. VII. c. 19, s. 312, *part*.

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## FORM 17.

## DECLARATION OF ELECTION OFFICERS.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality, and that I have not received, and will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office.

3 Edw. VII. c. 19, s. 313, *part*.

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## FORM 18.

## DECLARATION OF AUDITOR.

I, A. B., having been appointed auditor for the municipal corporation of \_\_\_\_\_, promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor, for the present year.

A. B.

3 Edw. VII. c. 19, s. 314, *part*.

FORM



## FORM 22.

### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, *as the case may be*) he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:*

<p>.....19</p> <p>Voting on By-law to  <i>(here insert object of the          by-law)</i> submitted to the          Council of the</p>	<p>FOR X</p> <p>The By-law.</p>
	<p>AGAINST</p> <p>The By-law.</p>

3 Edw. VII. c. 19, *Sched. L.*

## FORM 23.

## NOTICE ON PROMULGATION OF BY-LAW.

The above is a true copy of a by-law passed by the municipal council of the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High

Court



## CHAPTER 44.

## An Act to amend The Local Improvement Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.**—(1) Clause (*d*) of section 2 of *The Local Improvement Act* is repealed and the following substituted therefor:—  
<sup>1 Geo. V. c. 58, s. 2, amended.</sup>

(*d*) “Corporation” shall mean the corporation of a municipality.

(2) Clause (*f*) of the said section is repealed and the following substituted therefor:—

(*f*) “Council” shall mean the council of the corporation of a municipality.

(3) Clause (*h*) of the said section is repealed.

(4) Clause (*o*) of the said section is amended by striking out the words “and a police village,” in the fourth line thereof.

**2.** Clause (*l*) of subsection 1 of section 3 of *The Local Improvement Act*, as enacted by section 2 of the Act (1), passed in the second year of His Majesty’s reign, Chaptered 44, is amended by adding after the word “cities” in the first line of the said clause the words “and towns.”  
<sup>1 Geo. V. c. 58, s. 3, amended.</sup>

**3.** Section 9 of *The Local Improvement Act* is amended by inserting the word “sewer” after the word “sidewalk,” in the sixth line thereof.  
<sup>1 Geo. V. c. 58, s. 9, amended.</sup>

**4.** *The Local Improvement Act* is amended by adding the following as section 49a:—  
<sup>1 Geo. V. c. 58, amended.</sup>



Power to  
construct  
works on  
boundary  
lines.

49a—(1) Where a highway forms the boundary between two or more municipalities although it lies wholly within one or partly within two or more of them, the corporations of the municipalities may agree

- (a) To undertake in respect of such highway or any part of it any work or service which may be undertaken as a local improvement under this Act;
- (b) As to the council by which the work or service shall be undertaken;
- (c) As to whether the corporations' portion of the cost shall be provided for by borrowing or shall be included in the estimates of the year; and
- (d) As to the proportions in which the corporations' portion of the cost shall be borne by such corporations respectively.

(2) The council of the municipality which according to the agreement is to undertake the work or service, hereinafter called the initiating council, shall have all the powers and perform all the duties in respect of it which may be exercised or are to be performed by the council of a municipality which undertakes a work or service as a local improvement under this Act and the highway shall, for the purposes of the work or service, be deemed to lie wholly within and to be under the exclusive jurisdiction of the initiating council.

(3) The clerk of the initiating council shall, forthwith after the passing of its by-law imposing the special rates to defray the owners' portion of the cost, deliver or transmit by registered post to the clerk of any municipality in which is situate any land upon which a special rate has been imposed a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

(4) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed, shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

(5) The corporation of each of the municipalities other than that by the council of which the work or service is undertaken shall pay to the last mentioned corporation the sums which are to be levied and collected in that year under the next preceding subsection, and such payment shall be made on demand therefor at any time after the 14th day of

December

December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

(6) Such payment shall not relieve any land specially assessed from the special rate thereon, but it shall remain liable for the special rate until it is paid.

(7) Where the agreement provides that the corporations' portion of the cost shall be included in the estimates of the year, the corporation of each of the municipalities other than that by the council of which the work or service is undertaken, shall pay to that corporation when the amount of the corporations' portion of the cost is finally determined its share or proportion of such cost, and the amount so paid shall be provided for in the estimates for the then current year of the council of the corporation which is to pay it.

(8) Where the agreement provides that the amount required to defray the corporations' portion of the cost is to be borrowed, the corporation of each of the municipalities, except that by the council of which the work or service is undertaken, shall in each year during the currency of the debentures issued for the money borrowed pay to that corporation the same proportion of the principal and the interest payable in that year as under the agreement it is to bear of the corporations' portion of the cost, and the amount which the by-law for borrowing the money requires to be raised in that year shall be reduced by the sum so paid.

(9) The corporations shall bear the cost of keeping the work in repair in the proportions in which the cost of the work is to be borne by them.

5. Section 50 of the said Act is amended by striking out of subsection 1 the words "and the Board of Police Trustees of a Police Village" in the first and second lines, and by striking out of subsection 3 the words "or Board of Police Trustees," in the second and third lines.

c Geo. V.,  
1. 58, s. 50,  
amended.

## CHAPTER 45.

An Act to amend The City and Suburbs  
Plans Act.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Geo. V.  
c. 43,  
amended.

**1.** Section 2 of *The City and Suburbs Plans Act* is amended by inserting the following as subsection 2 thereof:—

Plan to  
show bound-  
aries, etc

“(2) Such plan shall show the boundaries of the lands owned by such person and also of the part thereof proposed to be subdivided and shall be certified by an Ontario Land Surveyor.”

2 Geo. V.  
c. 43, s. 5,  
amended.

**2.** Section 5 of the said Act is amended by inserting the following as subsection 2:—

Copy of  
plan to  
be sent to  
city clerk.

“(2) Forthwith after the approval of a plan by the Board the person submitting the same shall furnish a copy thereof as approved and certified by the Board to the City Clerk.”

2 Geo. V.  
c. 43, s. 7  
(2),  
amended.

**3.** Subsection 2 of section 7 of the said Act is amended by striking out the words “shall have otherwise directed” and substituting therefor the words “shall otherwise direct.”

## CHAPTER 46.

## An Act to amend The Assessment Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Assessment Amendment Act, 1913*. Short title.

**2.** Section 2 of *The Assessment Act* is amended by adding the following paragraphs:— 4 Edw. VII.  
c. 23, s. 2,  
amended.

3a. "County Court" shall include District Court. "County Court."

3b. "Judge of the County Court" shall include a junior judge, a deputy judge and a judge authorized to sit or act for a judge of the County Court. "Judge of the County Court."

**3.** Paragraph 6 of section 5 of *The Assessment Act* is amended by adding after the word "municipality," in the first line the words "or vested in or controlled by any public commission." 4 Edw. VII.  
c. 23, s. 5,  
par. 6,  
amended.

**4.** Paragraph 19 of the said section 5 is repealed and the following substituted therefor:— 4 Edw. VII.  
c. 23, s. 5,  
par. 19,  
repealed.

19. The annual income derived from personal earnings or from any pension, gratuity, or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$1,500 where such person is resident in a city or town, or to the amount of \$1,200 where such person is resident in any other municipality, if such person is a house-holder in the municipality and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house, although not assessed therefor, and the annual income

Exemptions on income.

come derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of every person not being such house-holder or head of a family to the amount of \$600 where he is resident in a city or town, and to the amount of \$400 where he is resident in any other municipality, and the income of any person derived from any investment, or from money on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities if such income does not exceed \$400, and the income of such person from all sources does not exceed \$400. 6 Edw. VII. c. 36, s. 1; 8 Edw. VII. c. 50, s. 4; 10 Edw. VII. c. 88, s. 2.

4 Edw. VII.  
c. 23, s. 14,  
(3),  
repealed.

**5.** Subsection 3 of section 14 of the said Act is repealed and the following substituted therefor:—

What wires  
not to be  
assessed.

(3) In the computation of the length of such telephone wires in a township the wires placed or strung within a police village and the wires of every line not exceeding 25 miles in length, where all the telephones thereon are operated upon the same circuit and which is not used as a connecting line between two or more central exchange switchboards, shall not be included.

4 Edw. VII.  
c. 23, s. 22,  
(1) amended.

**6.—**(1) Subsection 1 of section 22 of the said Act is amended by adding after clause (c) the following clause:—

Description  
of part  
of lot.

(cc) Where part of a lot in a city, town or village is to be assessed it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll; and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered.

4 Edw. VII.  
c. 23, s. 22,  
(1) amended.

(2) The said subsection is further amended by adding after clause (d) the following clause:—

Description  
of block  
of vacant  
land.

(dd) Where a block of vacant land subdivided into lots is owned by the same person it may be entered on the roll as so many acres of the original block or lot if the numbers and description of the lots into which it is subdivided are also entered on the roll; and the provisions of section 127 shall apply.

7. Section 23 of the said Act is repealed and the following substituted therefor:—

<sup>4</sup> Edw. VII.  
c. 23,  
repealed.

23.—(1) In this section—

Interpreta-  
tion.

- (a) "Farm" shall mean not less than twenty acres of land in the actual occupation of the owner of it;
- (b) "Father" shall include stepfather;
- (c) "Mother" shall include stepmother;
- (d) "Owner" shall mean a person who is owner in his or her own right, or a person whose wife is owner in her own right, of an estate for life or any greater estate legal or equitable, or of a leasehold estate the term of which is not less than five years, except where the person is a widow and in that case "owner" shall mean "owner in her own right" of such an estate;
- (e) "Son" "sons" "farmer's son" and "farmers' sons" shall mean son or sons, stepson or stepsons of the full age of twenty-one years not otherwise entitled to be entered on the voters' list.

- (2) Subject to the provisions of the following subsections, where a father or mother is the owner of a farm, his or her sons who have resided on the farm for the twelve months next preceding and are residing thereon at the date fixed for beginning to make the assessment roll shall have the same right to be entered on the roll as if they were jointly assessed for the farm with the father or mother, but they shall be entered on the roll as farmers' sons.
- (3) Where the amount at which the farm is assessed is insufficient, if equally divided between a father or mother and son, and they were jointly assessed for it, to qualify both to vote at a municipal election, the son shall not be entitled to be entered on the roll in respect of the farm.
- (4) If the father is living and there are more sons than one resident as provided in subsection 2, and the farm is not assessed for an amount sufficient, if equally

equally divided between them, to qualify the father and all such sons to vote at a municipal election, so many of the sons in the order of their seniority, beginning with the eldest, as the amount at which the farm is assessed, if equally divided between them and the father would be sufficient to qualify, shall be entitled to be entered on the roll as farmers' sons.

- (5) If the father is dead and the mother is a widow and the farm is not assessed for an amount sufficient, if equally divided between them to qualify all of them to vote at a municipal election, so many of the sons, in the order mentioned in subsection 4, as the amount at which the farm is assessed, if equally divided between the mother and them, would be sufficient to qualify, shall be entitled to be entered on the roll as farmers' sons.

- (6) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son to be entered on the roll.

4 Edw. VII.  
c. 23, s. 27,  
amended.

8. Section 27 of the said Act is amended by striking out all the words before the words "the assessor." in the 6th line, and by adding the following as section 27a:—

Entry of  
Roman  
Catholic  
Separate  
School  
Supporters.

27a. The Court of Revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as Roman Catholic Separate School supporters, and any person so complaining or any ratepayer may give notice in writing to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section. R.S.O. 1897, c. 294, s. 49 (3).

4 Edw. VII.  
c. 23, s. 36,  
amended.

9. Section 36 of the said Act as enacted by section 13 of the Act passed in the 10th year of His late Majesty's reign, chaptered 88, is amended by adding thereto the following as subsection 2a:—

Matters to  
be consid-  
ered in  
assessing  
buildings.

(2a.) To remove doubts it is hereby declared that the cost of a building is only one of the matters which should be considered in ascertaining the amount for which a building should be assessed, and if it is found that a building, either  
because



because of its condition as to repair or of its inappropriateness to the location in which it is found or because of any other circumstances affecting its value, increases the value of the land by less than the cost of the building, or the cost of replacing it, such less sum shall be the amount for which the building shall be assessed under subsection 2; the meaning of that subsection being that buildings shall be assessed for the amount of the difference between the selling value of the whole property and the selling value of the land if there were no buildings on it.

**10.** Subsection 3 of section 22, of the said Act is amended <sup>4 Edw. VII. c. 23, s. 22, (3) amended.</sup> by striking out in column 14 the words "value of buildings" and inserting in lieu thereof the words "value of buildings as determined under section 36."

**11.** Section 39 of the said Act as enacted by section 14 of <sup>4 Edw. VII. c. 23, s. 39, repealed.</sup> the Act passed in the tenth year of His late Majesty's reign, Chaptered 88 is repealed.

**12.** Section 47 of the said Act is amended by adding the <sup>4 Edw. VII. c. 23, s. 47, amended.</sup> following as subsection 4:—

- (4) The omission to attach to the assessment roll the affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll.

**13.** Section 76 of the said Act as enacted by section 18 <sup>4 Edw. VII. c. 23, s. 76, repealed.</sup> of Chapter 88 of the Acts passed in the 10th year of His late Majesty's reign is repealed and the following substituted therefor:—

76.—(1) Where a person is assessed to an amount aggregating in a municipality in territory without county organization \$10,000 or upwards and in any other municipality \$40,000 or upwards, an appeal shall lie from the decision of the Judge to the Ontario Railway and Municipal Board, and any person who had appealed or was entitled to appeal from the Court of Revision to the Judge shall be entitled to make the appeal to the Board.

- (2) An appeal to the Board shall also lie where the amount though originally less than the sum mentioned in the next preceding subsection has been increased by the Court of Revision or by the Judge so that it equals or exceeds that sum.

(3)

Clerk to  
notify  
Secretary  
of Board  
as to  
appeals.

- (3) The Clerk of the municipality shall forthwith by registered post notify the secretary of such Board of all notices of appeals coming within the provisions of this section, which are from time to time served upon him, and the secretary shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately by registered post notify the persons appealing.

Application  
of certain  
sections.

- (4) Sections 68 to 75 and sections 77 and 78 shall apply to all appeals taken under subsections 1 or 2 and such Board shall have the powers and duties which by the said sections are assigned to a Judge of the County Court.

Questions  
which may  
be decided  
on appeal.

- (5) The Board shall have power upon such appeal to decide not only as to the amount at which the property in question shall be assessed, but also all questions as to whether any persons or things are liable to assessment or exempt from assessment under the provisions of this Act.

Appeal from  
Board.

- (6) An appeal shall lie from the decision of the Board under this section to a Divisional Court of the Appellate Division of the Supreme Court upon all questions of law, but such appeal shall not lie unless leave to appeal is given by the said court upon application of any party and upon hearing the parties and the Board.

Procedure  
on appeals.

- (7) The practice and procedure on the appeal to a Divisional Court shall be the same, *mutatis mutandis*, subject to any rule of court or regulation of the Board as upon an appeal from a County Court. 6 Edw. VII. c. 31, s. 51.

4 Edw. VII.  
c. 23, s. 82,  
par. 4,  
amended.

**14.**—(1) Section 82 of the said Act is amended by striking out of paragraph 4 the words “but the judgment of the said Court shall not be deferred beyond the first day of January next after the notice of appeal,” and by adding the following as paragraph 4a:—

4a. It shall be the duty of the Court to dispose of the appeal before the first day of January next after the appeal.

4 Edw. VII.  
c. 23, s. 82,  
par. 7,  
amended.

(2) The said section 82 is further amended by striking out of paragraph 7 the words “but the judgment shall not

be

be deferred beyond the first day of January next after such appeal," and by adding the following as paragraph 7a:—

7a. It shall be the duty of the Judge to dispose of the appeal before the first day of January next after the appeal.

(3) The said section 82 is further amended by adding the following paragraphs:—

<sup>4</sup> Edw. VII.  
c. 23, s. 82,  
amended.

10. An appeal shall lie to a Divisional Court of the Appellate Division of the Supreme Court from any judgment of the Judge on a question of law or the construction of a Statute, and if the judgment of the Divisional Court reverses or varies the judgment of such Judge he shall change or vary his judgment so as to conform to the judgment of the Divisional Court.

Appeal to  
Divisional  
Court.

11. The procedure on such appeal shall be, as nearly as may be, the same as upon an appeal from a County Court to a Divisional Court of the Supreme Court.

Procedure  
the appeal.

15. The said Act is amended by adding the following sections:—

<sup>4</sup> Edw. VII.  
c. 23,  
amended.

187a. Subject to the provisions of section 187b, arrears of taxes due to the corporation of any municipality in a Provisional Judicial District, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and head of such municipality shall perform the like duties in the collection and management of arrears of taxes as in a county are performed by the treasurer and warden. R.S.O. 1897, c. 225, s. 53.

Collection  
of taxes and  
sales of land  
for taxes.

187b.—(1) The powers and duties imposed by this Act upon the treasurer of a county in respect to the collection of arrears of taxes, and the sale of land for taxes, shall, in the districts of Muskoka and Parry Sound, be exercised and performed by the sheriffs of those districts respectively; and

Sale of land  
for taxes.

all

all the provisions of this Act respecting the sale of lands for taxes in a county shall apply *mutatis mutandis* to sales under this section; and all duties and proceedings required to be performed by the officers of local municipalities in counties in regard to the collection of such arrears upon lists received from county treasurers, shall be performed by the like officers of the municipality in respect to similar lists received from the sheriffs of the districts. R.S.O. 1897, c. 225, s. 56.

When lands  
to be sold  
for taxes.

- (2) Where any part of the taxes on lands in the districts of Muskoka and Parry Sound has been due for and in the third year, or for more than three years preceding the then current year, the sheriff of the district, unless otherwise directed by a by-law of the council of any municipality in the district, shall make out a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes in every municipality in the district, with the amount of arrears against each lot set opposite to the same, and shall transmit the same to the head of the municipality in which the lands are situate, and such head shall authenticate the list by affixing thereto the seal of the corporation and his signature, and one of the lists shall be deposited with the clerk of the municipality, and the other shall be returned to the sheriff with a warrant thereto annexed under the hand of such head and the seal of the Corporation commanding him to levy upon the lands for the arrears due thereon, with his costs. R.S.O. 1897, c. 225, s. 57.

Place of  
sale.

- (3) Where lands liable to sale for taxes are situate in the townships of McMurrich, Ryerson, Strong, Laurier, Nipissing, Perry, Armour, Joly, Gurd, Bethune, Proudfoot, Machar, Himsworth, or in the villages of Sundridge or Burk's Falls the sale of such lands for taxes shall take place at Burk's Falls.
- (4) Where the lands are situate in the townships of Spence, Ferrie, Pringle, Croft, Lount, Hardy, Chapman, Mills, or Patterson, the sale shall take place at Maganetawan village.

- (5) Where the lands are situate in the townships of Conger, Humphrey, Monteith, Carling, Shawanaga, Harrison, Wallbridge, Mowat, Cowper, McDougall, McKellar, Hagerman, McKenzie, Wilson, McConkey, Foley, Christie, Ferguson, Burpee, Burton, Brown, Blair, the town of Parry Sound, or other parts of the District of Parry Sound not named in this section, the sale shall take place at the town of Parry Sound.
- (6) Where the lands are situate in the township of Medora, Wood, Morrison, Muskoka, Ryde, Baxter, Gibson, or Freeman, the town of Gravenhurst, or the village of Port Carling, the sale shall take place at the town of Gravenhurst.
- (7) Where the lands are situate in the township of Chaffey, Brunel, Stisted, Stephenson or Sinclair, or in the Village of Huntsville, the sale shall take place at the said village of Huntsville.
- (8) Where the lands are situate in the township of Cardwell, Watt, Monck, McLean, Ridout, Macaulay, Draper, Oakley or other parts of Muskoka not named in this section, the sale shall take place at the town of Bracebridge.
- (9) On an application of the council of any township the place of sale may be directed by the Lieutenant-Governor in Council to be transferred thereafter from any one of the places herein named to any other of them. Change of place of sale.
- (10) The advertisements for the sale shall be published in the *Ontario Gazette* and in some newspaper published at the place of sale or elsewhere in the District and for the periods required by law. Advertisements of sale.  
R.S.O. 1897, c. 225, s. 58.
- (11) A Judge of the District Court may, by his order in writing direct that the said sheriff shall be entitled to retain out of the moneys collected by him in the performance of his duties, with respect to the collection of taxes, a sum over and above the two and one-half per cent. mentioned in section 160, but such sum, including Allowance to sheriffs for collection of taxes.

the two and one-half per cent. shall not exceed ten per centum of the amount of the arrears of taxes collected.

Sheriffs to  
pay over  
amounts  
received  
half-yearly.

- (12) The sheriff shall on the 1st day of June and December in each year, pay over to the treasurers of the respective municipalities in his district all money collected by him prior to those said dates in respect of lands in arrears for taxes.

Audit of  
sheriffs'  
books.

- (13) The books and accounts of the sheriff shall be audited on or before the 30th day of September in each year by the Crown Attorney of the District. R.S.O. 1897, c. 225, s. 59.

4 Edw. VII.  
c. 23, s. 187  
(1),  
amended.

**16.** Subsection 1 of section 187 of *The Assessment Act* is amended by inserting after the word "York," in the sixth line of that subsection the words "to the Township of Bertie in the County of Welland."

## CHAPTER 47.

## An Act to amend The Act respecting Statute Labour.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 10 of *An Act respecting Statute Labour* is<sup>4 Edw. VII.</sup> amended by striking out the words “not exceeding \$1 a<sup>c. 25, s. 10,</sup> day,” in the second line thereof and substituting therefor<sup>amended.</sup> the words “not exceeding \$1.50 a day.”

**2.** Section 11 of the said Act is amended by striking out<sup>4 Edw. VII.</sup> the words “not exceeding \$1 for each day’s labour,” and in-<sup>c. 25, s. 11.</sup>serting in lieu thereof the words “not exceeding \$1.50 for each day’s labour.”

**3.** Section 30 of the said Act is amended by striking out<sup>4 Edw. VII.</sup> the figure \$1, in the third line and substituting therefor the<sup>c. 25, s. 30,</sup> figures \$1.50.<sup>amended.</sup>

**4.** Section 32 of the said Act is amended by striking out<sup>4 Edw. VII.</sup> the figure \$1, in the 6th line and substituting therefor the<sup>c. 25, s. 32,</sup> figures \$1.50.<sup>amended.</sup>



## CHAPTER 48.

## An Act to amend The Municipal Drainage Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 Edw. VII. c. 90.     **1.** *The Municipal Drainage Act* is amended by adding the following as section 9a:—

Power to  
plant  
stakes, etc.

9a.—(1) The engineer and his assistants when engaged in the performance of their duties during or after the examination of the locality, may pass over, measure along, ascertain the bearings of any line, plant the stakes which he deems necessary for the performance of the work and take levels on the land of any person.

Penalty.

(2) Any person who interferes with or obstructs the engineer in the exercise of the powers conferred by subsection 1, shall incur a penalty not exceeding \$100, recoverable under *The Ontario Summary Convictions Act*.

10 Edw.  
VII. c. 37.

## CHAPTER 49.

## An Act respecting Municipal Arbitrations.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Municipal Arbitrations Act*. R.S.O. 1897, c. 227, s. 1. Short title.

**2.—(1)** All claims against the corporation of a city, <sup>Appointment of Official Arbitrator.</sup> having a population of not less than 100,000, for compensation or damages for lands expropriated or injuriously affected under *The Municipal Act*, and all other claims and questions arising under any lease or other contract, to which <sup>3-4 Geo. V. c. 43.</sup> the corporation is a party, and which, by law, or by the terms of the lease or contract are to be determined by arbitration shall be heard and determined by an official referee, appointed by the Lieutenant-Governor in Council and who shall be called the Official Arbitrator.

**(2)** The Official Arbitrator shall:—

Powers, etc.,  
of Official  
Arbitrator.

**(a)** be a barrister of at least ten years' standing at the <sup>Qualification.</sup> bar of Ontario;

**(b)** have all the powers of an official referee under <sup>Powers.</sup> *The Judicature Act* and of an arbitrator under <sup>3-4 Geo. V. c. 19, 43.</sup> *The Municipal Act* or under <sup>9 Edw. VII. c. 35.</sup> *The Arbitration Act*;

**(c)** be an officer of the Supreme Court of Ontario; Status.

**(d)**

Disability

(d) not act as solicitor or counsel for or against the corporation or for any other municipal corporation;

(e) have all the powers of a Judge of the High Court Division including those relating to the production of books and papers, the amendment of notices for compensation or damage, and of all other notices and proceedings, the rectification of errors or omissions, the time and place of taking examinations and views, the assistance of engineers, surveyors, or other experts, and as respects all matters incident to the hearing and determination of matters before him, or proper for doing complete justice therein between the parties, including the power of awarding costs. R.S.O. 1897, c. 227, s. 2.

Commence-  
ment of pro-  
ceedings  
under Act.

3. If any person interested in any such claim or question desires that the same should be determined by the Official Arbitrator, he shall give to the clerk of the municipality and to every other person interested, seven clear days' notice that the same is so referred, specifying therein the nature of the claim or question to be determined, and the amount in controversy, and upon such notice, with proof of the service of it, being filed with him, the Official Arbitrator may proceed to hear and determine the matters so referred to him. R.S.O. 1897, c. 227, s. 3.

When arbi-  
trator to  
state  
reasons in  
writing.

4. Where the Official Arbitrator proceeds partly on view or upon any special knowledge or skill possessed by himself, he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Appellate Court to determine the weight which should be attached to it. R.S.O. 1897, c. 227, s. 4.

Filing  
award.

5. The award of the Official Arbitrator, with his notes of evidence and exhibits, and the reasons of his decision, shall be filed in the office of the Registrar of the Appellate Division of the Supreme Court, and notice of the filing shall forthwith be given by the Official Arbitrator to the parties who appeared or were represented upon the reference, or to their solicitors; and upon the request of any of the parties interested in the inquiry, the notes taken by the shorthand writer, if any, shall be extended by him, and upon payment of his proper fees therefor, shall be filed with the Registrar. R.S.O. 1897, c. 227, s. 5.

Extending  
notes of  
evidence.

6. The award, when so filed shall not be made public until all the fees payable to the Official Arbitrator have been paid to him. R.S.O. 1897, c. 227, s. 6. Fees to be paid before award made public.

7. The award may be appealed against to a Divisional Court of the Appellate Division of the Supreme Court in the same manner as the decision of a Judge of the High Court Division in Court is appealed from, and shall be binding and conclusive upon all parties to the reference, unless appealed from within six weeks after notice that it has been filed. R.S.O. 1897, c. 227, s. 7. Appeal to Appellate Division.

8. The time of any vacation of the Supreme Court shall not be reckoned in the computation of the time for doing any act or taking any proceeding in relation to the appeal. R.S.O. 1897, c. 227, s. 8. Vacation.

9. Where no appeal is taken within the prescribed time, or when an appeal has been disposed of, the exhibits may be delivered out to the parties entitled to them. R.S.O. 1897, c. 227, s. 9. Giving out exhibits when no appeal.

10. Where an action has been brought or is pending the Court, or a Judge thereof, if of opinion that the relief sought is properly the subject of a proceeding under this Act, on the application of either party, or otherwise, may at any stage of the action order it to be transferred to the Official Arbitrator on such terms as to costs and otherwise as may be deemed proper, and the Official Arbitrator shall thereupon give such directions as to the prosecution of the claim before him as he may deem just and convenient, and, subject to the provisions, if any, in respect thereto in the order of transfer, the costs of the action shall be in his discretion. R.S.O. 1897, c. 227, s. 10. Transferring actions to arbitrator.

11. Costs awarded by the Official Arbitrator shall be taxed by one of the taxing officers of the Supreme Court, and shall be taxed upon such scale and be payable to such parties as may be determined by the Official Arbitrator. R.S.O. 1897, c. 227, s. 11. How costs to be taxed.

12.—(1) The Official Arbitrator shall be entitled to be paid for his services, while sitting upon any arbitration, at the rate of \$20 per day, or a proportionate part thereof, where a sittings upon any one day occupies less than a whole day; and for a meeting, at which the reference is not

proceeded with, but a postponement is made at the request of any party, \$4.

By whom payable.

(2) One-half of such fees shall be payable by each of the parties to the reference, if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested, but the Official Arbitrator shall have power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees shall be recoverable as any other costs of the arbitration.

Recovery of fees.

(3) If the award is not taken up within thirty days after service upon the parties of the notice of filing thereof, the fees and expenses of the Official Arbitrator shall be recoverable by action from any one or more of the parties to the arbitration.

Idem.

(4) But nothing herein shall prejudicially affect the right of the arbitrator to recover his fees or expenses in any way in which they may now be recovered. R.S.O. 1897, c. 227, s. 12.

Appointment of assessor.

**13.**—(1) The Lieutenant-Governor in Council may appoint for such municipality, an assessor of sound judgment, experience and knowledge in, and as to matters relating to real property within the municipality, to sit with the Official Arbitrator.

In what cases to be called in.

(2) The assessor shall be called upon by the Official Arbitrator:—

(a) upon the request of all the parties to an arbitration, and at any stage of the proceedings; or

(b) Where the Official Arbitrator desires his advice and assistance, and no party to the proceedings objects thereto, at the time he is so called upon.

Function of assessor.

(3) The assessor shall not make or join in the award, but shall otherwise give the Official Arbitrator such assistance as he may require.

Assessor's fee.

(4) The assessor shall be entitled for his services, while sitting on an arbitration, to be paid at the rate of \$10 per day, or a proportionate part thereof, where a sitting on any one day occupies less than a whole day; and for a meeting where the reference is not proceeded with, but a postponement is made at the request of any party, \$2.

(5) The fees of the assessor shall be payable by the same parties and in the same proportion and manner, and shall be recoverable in the same way as those of the arbitrator and shall be treated, in all respects in the same manner as the fees of the arbitrator, as to the ultimate payment thereof, and as to the manner of such payment. R.S.O. 1897, c. 227, s. 13.

**14.**—(1) The Judges of the Supreme Court shall have the same power to make rules with respect to matters and proceedings under this Act and tariffs of fees as they have in respect to proceedings under *The Judicature Act*.

(2) Such rules and tariffs shall be published in the *Ontario Gazette* and shall thereupon have the force of law, and the same shall be laid before the Assembly forthwith after such publication if the Assembly is then in session, and if it is not in session within 15 days after the opening of the next session. R.S.O. 1897, c. 227, s. 14.

**15.**—(1) This Act shall extend and apply to the county of York and to the township of York and to any municipality, the council of which by by-law declares that it is desirable that the municipality shall be brought within the provisions of this Act; and in that case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

(2) Where the council of any such municipality has by by-law so declared, or shall hereafter so declare, an Official Arbitrator may be appointed for such municipality by the Lieutenant-Governor in Council and he shall have and may exercise within such municipality all the powers conferred upon the Official Arbitrator by this Act. R.S.O. 1897, c. 227, s. 15; 1 Edw. VII. c. 31, s. 1.

(3) The council of a municipality which has passed a by-law under subsection 1, may repeal it at any time after the expiration of six months from the passing of the by-law; and upon such repeal this Act shall cease to apply or be in force in such municipality. 63 V. c. 39.

**16.** Chapter 227 of the Revised Statutes of Ontario, 1897, chapter 39 of the Acts passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, and chapter 31 of the Acts passed in the first year of the Reign of His late Majesty, King Edward the Seventh, are repealed.

## CHAPTER 50.

An Act to exempt Firemen from certain  
Local Services.*Assented to 6th May, 1913.*

## SHORT TITLE, s. 1.

WHAT FIREMEN EXEMPTED FROM  
SERVICE ON JURIES, OR AS  
CONSTABLES, AND CERTAIN  
OTHER MUNICIPAL OFFICES,  
s. 2.

EXEMPTION MAY BE TAKEN AWAY  
IN CASE OF MISCONDUCT, s. 3.

EXEMPTION, AFTER SEVEN YEARS'  
SERVICE, FROM SERVING AS  
CONSTABLE, AND IN ANY  
MUNICIPAL OFFICE, s. 4.

EXEMPTION OF CITY FIREMEN  
FROM SERVING AS A CON-  
STABLE AND FROM PAYMENT  
OF STATUTE LABOUR TAX, s. 5.

REPEAL, s. 6.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

## Short title.

**1.** This Act may be cited as *The Firemen's Exemption Act*. R.S.O. 1897, c. 231, s. 1.

Certificate  
of exemp-  
tion dur-  
ing enrol-  
ment as  
firemen.

**2** Whenever any company of firemen has been regularly enrolled in any city, town or place with the approval of the council of the municipality, the council shall direct the clerk to grant to each member of such company a certificate that he is enrolled in the same, which certificate shall exempt the person named therein, during the period of his enrolment, and his continuance in actual service, from serving as a juryman or a constable, or in any municipal office. R.S.O. 1897, c. 231, s. 2. *amended*

Such ex-  
emption  
may be  
taken away  
in case of  
misconduct.

**3.** Upon complaint of the council of neglect of duty by any member of such fire company, the council shall examine into the same and for any such cause, and also, in case any member of such company is convicted of a breach of any of the rules legally made for the regulation of the same, may strike off the name of any such member from the list of the company, and thenceforward the certificate granted to such member shall have no effect in exempting him from any duty or service. R.S.O. 1897, c. 231 s. 3. *amended*.



4.—(1) Where any member of any company of firemen <sup>Firemen</sup> has regularly and faithfully served for seven consecutive <sup>having</sup> years in the same, he shall be entitled to receive, upon pro- <sup>served seven</sup> ducing due proof of such service, a certificate from the clerk <sup>years ex-</sup> that he has been regularly enrolled and has served as a mem- <sup>empted</sup> ber of the fire company for the space of seven years. <sup>from serv-</sup> <sup>ing in cer-</sup> <sup>tain offices.</sup>

(2) Such certificate shall exempt the person named therein <sup>Extent of</sup> from serving as a constable, and in any municipal office. <sup>exemption.</sup>  
R.S.O. 1897, c. 231, s. 4.

5.—(1) The council of a city may by by-law enact that <sup>Firemen</sup> when a member of a company of firemen regularly enrolled <sup>in city hav-</sup> in such city has regularly and faithfully served in such com- <sup>ing served</sup> pany for seven consecutive years, such member, upon pro- <sup>seven years</sup> ducing due proof of such service, shall receive a certificate <sup>may be</sup> from the clerk that he has been regularly enrolled and has <sup>granted</sup> served as a member of the company for the space of seven <sup>certificate</sup> years. <sup>to that</sup> <sup>effect.</sup> R.S.O. 1897, c. 231, s. 5.

(2) Such certificate shall exempt the person named there- <sup>Effect of</sup> in from the payment of any personal statute labour tax there- <sup>certificate.</sup> after, and from serving as a juror on the trial of any cause in any court. R.S.O. 1897, c. 231, s. 6.

[See also, as to exemption of Firemen from Jury services, 9 Edw. VII. c. 34, s. 4 (z); and as to exemption from municipal offices. 3-4 Geo. V. c. 43, s. 55.]

6. Chapter 231 of the Revised Statutes of Ontario <sup>is</sup> repealed. <sup>Rev. Stat.</sup> <sup>c. 231,</sup> <sup>repealed.</sup>

## CHAPTER 51.

## An Act to amend The Public Libraries Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

9 Edw. VII  
c. 80, s. 11,  
amended.

1. Section 11 of *The Public Libraries Act* is hereby amended by inserting the words “at the expense of the municipality” after the word “auditors,” in the third line of the said section.

[*For amendment to section 7 of The Public Libraries Act as to constitution of Board, see 3-4 Geo. V. c. 18, s. 38. This amendment is not to come into effect until a day to be named by Proclamation. See Bill No. 216, 1913.*]

## CHAPTER 52.

## An Act to amend The Motor Vehicles Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 3 of *The Motor Vehicles Act* is amended<sup>2 Geo. V. c. 48, s. 3 amended.</sup> by adding thereto the following subsections:—

(4) The Lieutenant-Governor in Council may from time<sup>Regulations.</sup> to time make regulations;

(a) For the appointment of permanent, special or temporary constables, servants or officers for enforcing or carrying out the provisions of this Act or of any regulations made thereunder. <sup>For appointment of Constables.</sup> -

(b) For defining the duties and powers of, and for fixing<sup>Defining their</sup> the salaries, allowances and expenses to be<sup>their</sup> paid to such constables, servants or officers. <sup>duties.</sup>

(5) Such salaries, allowances and expenses for the purposes mentioned in subsection 4 shall be payable out of any sum appropriated by this Legislature for the purposes mentioned in subsection 4 or appropriated during the present Session for "Automobile Constables."<sup>Payment of salaries.</sup>

**2.** Section 4 of the said Act is amended by adding<sup>2 Geo. V. c. 48, s. 4, amended.</sup> the following subsections:—

(3) A license shall not be issued to a person who drives a motor vehicle for hire, pay or gain unless and until he files in the office of the Provincial Secretary a certificate signed by two members of the Ontario Motor League appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the appli-

cant for the license resides, and also by the chief constable of that municipality stating that they have examined the applicant and that he is a fit and proper person to be so licensed, having regard to his character, physical fitness, ability to drive and knowledge of the rules of the road.

- (4) If there are not two such appointed members residing in the municipality the certificate may be signed by two such appointed members residing in the municipality nearest to that in which the applicant resides.

2 Geo. V.  
c. 48.

3. The said Act is amended by adding the following as section 9a:—

Exceptions  
as to  
residents  
of other  
Provinces.

- 9a.—(1) The provisions of sections 3, 7, 8, and 9, shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than three consecutive months in each year, if the owner thereof is a resident of some other Province of Canada, and has complied with the provisions of the law of the Province in which he resides as to registration of a motor vehicle and the display of the registration number thereon;

- (2) This section shall apply to such person only to the extent to which under the laws of the Province in which he resides like exemptions and privileges are granted with respect to a motor vehicle registered under the laws of and owned by residents of Ontario.

2 Geo. V.,  
c. 48, s. 15,  
repealed.

4. Section 15 of the said Act is repealed and the following substituted therefor:—

Rules of  
the Road.

15. When a motor vehicle meets or overtakes a street car which is stationary for the purpose of taking on or discharging passengers, the motor vehicle shall not pass the car on the side on which passengers are getting on or off until the said passengers have got on or got safely to the side of the street as the case may be.

2 Geo. V.,  
c. 48, s. 16,  
amended.

5. Section 16 of the said Act is amended by adding the following subsection:—

Emission  
of smoke.

- (2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling

signalling device so as to make an unreasonable noise, and an operator of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such operator at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise.

6. Section 20 of the said Act is amended by striking out the words "paragraph 7 of section 540 of *The Consolidated Municipal Act, 1913*," and inserting in lieu thereof the words "under paragraph 1 of section 406 of *The Municipal Act*." <sup>2 Geo. V. c. 48, s. 20, amended.</sup>

7. Subsection 1 of section 24 of the said Act is amended by striking out the words and figures "section 12 or section 18," and substituting therefor the words and figures "sections 12, 14 or 18." <sup>2 Geo. V. c. 48, s. 24, amended.</sup>

8. Subsection 2 of the said section 24 is amended by striking out the words and figures "section 12 or section 18," in the fifth line and substituting therefor the words and figures "sections 12, 14 or 18." <sup>2 Geo. V. c. 48, s. 24, amended.</sup>

9. Subsection 1 of section 26 of the said Act is amended by striking out the words and figures "section 12 or section 18," in the twelfth line and substituting therefor the words and figures "sections 12, 14 or 18." <sup>2 Geo. V. c. 48, s. 26, amended.</sup>

10. Subsection 1 of section 27 of the said Act is amended by inserting after the word "conviction," in the first line the words and figures "under sections 3, 4, 12, 13, 14 or 18." <sup>2 Geo. V. c. 48, s. 27, amended.</sup>

11. Section 29 of the said Act is amended by striking out the words "of not more than \$50," and inserting in lieu thereof the following "not exceeding \$10 for the first offence, not exceeding \$20 for the second offence, not exceeding \$30 for the third offence, and not exceeding \$50 for any subsequent offence." <sup>2 Geo. V. c. 48, s. 29, amended.</sup>

12. Subsection 1 of section 31, of the said Act is amended by striking out the words and figures "section 12 or section 18" and inserting in lieu thereof the words and figures "sections 12, 14 or 18." <sup>2 Geo. V. c. 48, s. 31, amended.</sup>

## CHAPTER 53.

## An Act to encourage the Planting and Growing of Trees.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

PLANTING TREES ON HIGHWAYS,  
s. 2 (1).Property in trees planted,  
s. 2 (2-4).TREE BONUSES, GRANTING OF, BY  
MUNICIPALITY, s. 3 (1.)

INSPECTOR OF TREES, s. 3 (2).

IN POLICE VILLAGES, s. 4.

REPORT OF INSPECTOR, s. 5 (1).

Limit of liability, s. 5 (2).

INJURING TREES, PENALTY FOR,  
s. 6.MUNICIPAL BY-LAWS REGULATING  
TREE-PLANTING, s. 7.

REPEAL, s. 8.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Tree Planting Act*. R.S.O. 1897, c. 243, s 1.

Planting  
trees on  
highways,  
etc.

**2.**—(1) The owner of land adjacent to a highway, lane, alley, place or square may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance or obstruct the reasonable use of a highway or other public thoroughfare.

Property  
in trees  
planted  
by owners.

(2) Every tree so planted shall be the property of the owner of the land adjacent to such highway, lane, alley, place or square, and nearest to such tree.

Trees on  
boundary  
lines.

(3) An owner of land may, with the consent of the owner of the adjoining land, plant trees on the boundary between such lands, and every such tree so planted shall be the common property of such owners.

Property in  
shade and  
ornamental  
trees.

(4) Every growing tree, shrub or sapling planted or left standing on either side of a highway for the purposes of shade or ornament shall be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. R.S.O. 1897, c. 243, s. 2, *redrafted*.

**3.**—(1) The council of any municipality may pass a by-law for paying a bonus not exceeding twenty-five cents for every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood tree, planted, under the provisions of this Act, within such municipality on any highway, or on any boundary line or within six feet of such boundary line.

(2) The by-law shall provide for the appointment of an Inspector of trees so planted, for their due protection against injury or removal by any person, including the owner, without the authority of a resolution of the council, and for the conditions on which the bonus may be paid. R.S.O. 1897, c. 243, s. 3.

**4.**—(1) Not less than thirty municipal electors in a police village may petition the council of the township praying for the passing of a by-law under section 3 to have effect within the limits of the police village, and on receipt of such petition the council may pass a by-law giving effect to it.

(2) The trustees of such police village shall appoint the Inspector of trees provided for by the by-law, and the amount required for the payment of the bonuses for tree planting under the by-law and the remuneration of the Inspector shall be raised by a rate upon the assessment for real property, income and business and other assessments in such police village in the manner provided by *The Municipal Act*. 62 V. (2), c. 30, s. 1.

**5.**—(1) The Inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus under the by-law, the number of trees of each species planted, and the amount of bonus to which each person is entitled, and certifying that the trees have been planted for a period of three years, and that they are alive, healthy, and of good form, and upon the adoption of such report the bonus shall be paid.

(2) The corporation shall not be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. R.S.O. 1897, c. 243, s. 4.

**6.**—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon a highway, lane, alley, place or square, or, if a bonus has been paid

therefor



therefor, upon any boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by resolution of the council of the municipality shall incur a penalty not exceeding \$25 to be recoverable under *The Ontario Summary Convictions Act*.

10 Edw. VII.  
c. 37.

Application  
of penalty.

(2) One half of such penalty shall go to the person laying the information, and the other half to the corporation of the municipality within which such tree was growing. R.S.O. 1897, c. 243, s. 6.

Injuring  
trees on  
boundary  
lines.

(3) Any person who ties or fastens any animal to or injures or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without the consent of the owners thereof shall incur the like penalty. R.S.O. 1897, c. 243, s. 7.

Municipal  
by-laws.

7 The council of every municipality may pass by-laws to

(a) regulate the planting of trees upon highways;

(b) prohibit the planting upon the highways of any species of trees which they may deem unsuited for that purpose;

(c) provide for the removal of trees planted on a highway contrary to the provisions of any such by-law. R.S.O. 1897, c. 243, s. 8.

Repeal.

8. Chapter 243 of the Revised Statutes of Ontario, 1897, and chapter 30 of the Acts passed the sixty-second year of the reign of Her late Majesty Queen Victoria (second session) are repealed.

## CHAPTER 54.

## An Act to amend The Liquor License Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 2 of *The Liquor License Act* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 245,  
s. 2 sub. 2,  
repealed.

(2) "Tavern License" shall mean a license for selling liquor in quantities not exceeding one quart for consumption only on the licensed premises in which the same liquor is sold.

Tavern  
license,  
meaning of.

2. Subsection 1 of section 10 of the Act passed in the sixth year of the reign of His late Majesty, King Edward the Seventh, chaptered 47, as amended by section 38 of an Act passed in the ninth year of the said reign, chaptered 82, is further amended by adding after the words and figures in the seventh line of the said section 38 of the last named Act, the following words and figures "And in addition thereto there shall be paid for each such shop license for the exclusive use of the Province a further sum of \$600."

6 Edw. VII.  
c. 47, s. 10,  
as amended  
by 9 Edw.  
VII. c. 82, s.  
38, amended

Additional  
duty on shop  
licenses.

3. Section 50 of *The Liquor License Act* is amended by adding after the word "entertainment" in the seventh line the words "or any livery stable or other building to which the public are in the habit of resorting."

Rev. Stat.  
c. 245,  
s. 50,  
amended.

Consump-  
tion on  
premises.

4. Section 54 of *The Liquor License Act* is amended by striking out the word "six" in the seventh line thereof and substituting therefor the word "eight."

6 Edw. VII.  
c. 47, s. 13.  
8 Edw. VII.  
c. 54, s. 1.  
amended.  
Hours of  
sale.

5. Section 55 of the said Act is amended by striking out of the fifth line of clause (a) of the said section the word "six" and substituting therefor the word "eight."

6 Edw. VII.  
c. 47, s. 13.  
8 Edw. VII.  
c. 54, s. 2.  
10 Edw. VII.  
c. 94, s. 4.  
amended.

Rev. Stat.  
c. 245, s. 56,  
amended.

6. Section 56 of *The Liquor License Act* is amended by adding thereto the following subsections:—

Keeper  
allowing  
liquor to be  
sold for  
removal.

(3) The Keeper of any licensed tavern who knowingly permits any liquor sold or otherwise disposed of on the licensed premises to be removed from such premises shall be guilty of an offence against this Act.

Purchaser  
of liquor to  
be removed.

(4) Any person who having purchased or received any liquor at, or in a licensed tavern removes the same from the licensed premises in which the said liquor was so sold or received shall be guilty of an offence against this Act.

Medical  
requisition.

(5) The provisions of the next two preceding subsections shall not apply in any case in which a requisition for medical purposes signed by a duly qualified medical practitioner is produced by the vendee or his agent.

Rev. Stat.  
c. 245, s. 141,  
amended.

7. Section 141 of *The Liquor License Act* is amended by adding to subsection 6 thereof the following clause:

(a) The provisions of subsection 3 of this section shall apply to a repealing by-law.

Commence-  
ment of  
sections  
1 and 2.

8. Sections 1 and 2 of this Act shall apply and take effect as to licenses issued for the License Year commencing on the 1st day of May, 1913. (*See Bill 216, 1913.*)

## CHAPTER 55.

## An Act to amend The Public Health Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 25 of *The Public Health Act* is amended by inserting the following as subsection 2:— 2 Geo. V.  
c. 58, s. 25,  
amended.

(2) Where a local board in any city recommends that sanitary conveniences should be installed in any building and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may install suitable sanitary conveniences at the expense of the owner and the board may direct that the cost, including interest at five per cent. on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. When local board may instal sanitary conveniences  
Payment by owner in equal annual instalments

2. Subsection 2 of section 86 of *The Public Health Act* is amended by inserting after the word "air" in the fourth line the word "space." 2 Geo. V.  
c. 58, s. 86,  
subsec. 2,  
amended.

3. Subsection 1 of section 96 of *The Public Health Act* is repealed and the following substituted therefor: 2 Geo. V.  
c. 58, s. 96,  
(1), re-  
pealed.

96.—(1) Where the Provincial Board reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant, should be established or continued, or that any existing waterworks Assent of electors not required.

waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant, should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes.

Council on report of Provincial Board to pass by-laws and carry out works.

(1a). Where the Provincial Board has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay.

2 Geo. V. c. 58, s. 97, repealed.

4. Section 97 of *The Public Health Act* is repealed and the following substituted therefor:—

Repairs and renewals, etc., powers of Provincial Board.

97. Every waterworks system, water purification plant, sewer or sewerage system and sewage treatment plant, established for public use shall at all times be maintained and kept in repair as may be necessary for the protection of the public health and as may be directed by any special order of the Provincial Board or by the Regulations.

Penalty.

97a. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either of the two next preceding sections after notice from the Provincial Board so to do, shall incur a penalty of \$100 for every day upon which such default continues.

Act to be retroactive.

5. *The Public Health Act* shall be read as if the sections amended by sections 2 to 4 had been enacted as so amended on the 16th day of April, 1912.

## CHAPTER 56.

## An Act respecting Cemeteries and the Interment of the Dead.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTRODUCTORY.

1. This Act may be cited as *The Cemetery Act*. Short title
2. In this Act Interpretation.
  - (a) "Cemetery" shall mean and include any land which is set apart or used as a place for the interment of the dead, or in which human bodies have been buried; *New*. "Cemetery."
  - (b) "Local Board" shall mean the Local Board of Health of a municipality in which it is proposed to establish or in which there is a cemetery; "Local Board."
  - (c) "Owner" shall mean the person owning, controlling or managing a cemetery; "Owner."
  - (d) "Provincial Board" shall mean the Provincial Board of Health; "Provincial Board."
  - (e) "Regulations" shall mean regulations made by the Provincial Board under the authority of this Act; "Regulations."

## PART I.—PROVISIONS APPLICABLE TO ALL CEMETERIES.

### ESTABLISHMENT AND ENLARGEMENT OF CEMETERIES.

Approval  
of Provincial  
Board.

**3.** No cemetery shall be established or enlarged until the approval of the Provincial Board has been applied for and obtained in the manner hereinafter provided. *New.*

Application.

**4.** An application for such approval shall be made in writing to the local board, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery purposes together with such other information as the Regulations may require. *New.*

Transmis-  
sion to  
Provincial  
Board."

**5.** The application and one of the duplicates of the plan and description of the land and all other material filed with the application shall be transmitted to the Provincial Board, together with a statement of the opinion of the local board thereon. *New.*

Approval.

**6.**—(1) The approval of the Provincial Board shall be by order in writing signed by the Chairman and Secretary, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery.

Registra-  
tion.  
Establish-  
ment of  
cemetery.

(2) The order may be registered in the proper registry or land titles office, and upon its registration the cemetery may be established or enlarged as the order may direct. *New.*

Penalty for  
non-com-  
pliance.

**7.** Any person who establishes a cemetery and uses it, or enlarges any cemetery without the approval of the Provincial Board shall incur a penalty of not less than \$100 and not more than \$500. *New.*

Expenses  
of Pro-  
vincial  
Board.

**8.** The expenses of the Provincial Board shall be paid by the applicant. R.S.O. 1897, c. 213, s. 2 (4).

### POWERS OF BOARDS AND OFFICERS.

Power to  
make  
regulations.  
2 Geo. V.  
c. 58.

**9.** The Provincial Board may make Regulations in the manner provided by *The Public Health Act* respecting cemeteries, and may impose penalties for the contravention there-



of and such regulations may be general in their application or may upon the recommendation of any local board be varied as to any cemetery within its jurisdiction. *New.*

**10.** The Medical Officer of Health or Sanitary Inspector or any officer of the local board, may at any time enter into and upon any cemetery within the limits of the municipality and examine and enquire into the condition of the cemetery and whether the provisions of this Act and of the Regulations are observed. *New.*

Powers of certain officers.

#### POWERS AND DUTIES OF OWNERS.

**11.** All lots or plots in a cemetery when numbered and conveyed as burial sites or lots, shall be indivisible, but may afterwards be held and owned in undivided shares. R.S.O. 1897, c. 213, s. 17.

Lots to be indivisible, but may be held in undivided shares.

**12.** When a lot has been sold for a burial site, it shall not be necessary to register the conveyance, nor shall it be affected by any judgment, execution, mortgage or incumbrance. R.S.O. 1897, c. 213, s. 15.

Conveyance need not be registered.

**13.** The owner of a cemetery may repurchase any lot previously sold or conveyed. R.S.O. 1897, c. 213, s. 18.

Repurchasing lots in cemetery.

**14.—(1)** The owner may take and hold by grant, assignment, devise, bequest or otherwise, any money or securities, and apply the same in preserving, improving and embellishing the cemetery, upon the condition and in consideration of assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner in perpetuity, any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same municipality or in any other municipality in the same county or district, and any person may make such grant, assignment, devise or bequest upon such condition and for such consideration.

Owner may accept devises, gifts, etc.

**(2)** The owner may also take and hold by grant, assignment or devise from the owner thereof any lot in the cemetery, for the purpose of maintaining the same in perpetuity or otherwise, in the manner and subject to the provisions of the instrument of grant, assignment or devise.

Taking lots in cemetery by gift or devise.

**(3)** The owner may agree to preserve and maintain in a proper manner in perpetuity, the particular lot, tomb, monument or enclosure in any cemetery designated in such grant, assignment, devise, bequest or agreement.

May agree to keep lots, etc., in good condition.

Payment  
over of  
bequest.

(4) Personal representatives or trustees may pay over and transfer money or securities in their hands, which they are authorized or directed to apply for or toward the purposes mentioned in this section. R.S.O. 1897, c. 213, s. 21.

Investment  
of funds.

(5) For the purpose of securing the due performance of such agreement the owner may invest the money received under the agreement in the same manner as trustees are authorized to invest trust money and out of the income of such investment perform his obligations under the agreement. R.S.O. 1897, c. 213, s. 22 (2). *Amended.*

Power to  
acquire  
additional  
lands, etc.

**15.**—(1) If additional land is required for the enlargement of a cemetery and the council of the municipality in which the land is situate, by by-law, declares that in the opinion of the council, the owner should, for that purpose, have power to expropriate any adjacent land described in the by-law, and if the Provincial Board certifies that in its opinion the proposed enlargement is for the public advantage and convenience and ought to be permitted, the owner, upon registering the by-law and certificate in the proper registry or land titles office, shall, in respect of the land described in the by-law, possess the powers conferred upon the council of a local municipality by *The Municipal Act*.

3-4 Geo. V.  
c. 43.

How pro-  
ceedings  
to be in-  
stituted.

(2) Where the owner, not being a municipal corporation, desires to proceed under this section, proceedings for expropriation may be initiated by notice. R.S.O. 1897, c. 213, s. 29. *Amended.*

Powers  
to make  
regulations.

**16.** Subject to the provisions of this Act and to the Regulations the owner may make regulations for the laying out, and selling lots and managing the cemetery, for regulating burials therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds, and otherwise generally respecting the use of the grounds, and for the execution of conveyances of lots or plots in the cemetery. (*See* R.S.O. 1897, c. 213, s. 26. *Repealed by 7 Edw. VII. c. 34, s. 211.*)

Power to  
borrow.

**17.** The owner may borrow money for the purpose of making roads in the cemetery and for laying out and improving the same, and for that purpose may mortgage all his estate, right and interest in the cemetery, but nothing herein shall authorize the mortgagee or anyone claiming under him, to use or deal with the cemetery in a manner inconsistent with the continued use of it as a cemetery or inconsistent with any provision in this Act for the preservation and

protection

protection of the same for cemetery purposes. R.S.O. 1897, c. 213, s. 25. *Amended.*

**18.—(1)** The owner of every cemetery shall

- (a) Keep and maintain fences about the cemetery sufficient to prevent dogs, cattle or other animals from straying therein. *See* R.S.O. 1897, c. 213, s. 4. Maintain fences
- (b) Keep the cemetery and the buildings and fences thereof in good order and repair. *See* R.S.O. 1897, c. 213, s. 5. Buildings and fences to be kept in good order.
- (c) See that all burials within the cemetery are conducted in a decent and orderly manner, and that quiet and good order are at all times maintained therein. *See* R.S.O. 1897, c. 213, s. 11. Conduct of burials.

(2) When there is no person resident in the municipality in which a cemetery is situate, in charge of it, the cemetery shall be deemed non-resident land within the meaning of *The Noxious Weeds Act*. *New.* 2 Geo. V. c. 68.

(3) For every default in complying with subsection 1, the owner shall incur a penalty not exceeding \$10, and after conviction thereof shall incur a further penalty of \$5 for every day during which such default continues. Penalty.

**19.** Every owner of a cemetery shall make all necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and may whenever necessary connect any such sewer or drain with an existing sewer with the consent in writing of the municipal corporation or other body or the person owning or controlling the highway, lane or other public communication, or the land of which any part is to be opened up for that purpose, doing as little damage as possible and restoring the same to as good condition as before the opening was made. *See* R.S.O. 1897, c. 213, s. 6. Sewers and drains.

**20.—(1)** The owner of a cemetery shall not cause or suffer any offensive matter from the cemetery to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place. *See* R.S.O. 1897, c. 213, s. 7, *part.* No offensive matter to be allowed into rivers, etc.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50, and in addition shall be liable for any damages caused thereby to any person

having

having a right to use such water. *See* R.S.O. 1897, c. 213, s. 9.

Interments  
not to be  
within 15  
feet of  
church  
wall, etc.

**21.**—(1) The owner of a cemetery shall not cause or suffer any dead body to be interred in a vault or otherwise under or within fifteen feet of the outer wall of any church, chapel or other building in the cemetery. R.S.O. 1897, c. 213, s. 10.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty not exceeding \$50.

Owners  
name to be  
recorded.

**22.**—(1) The owner of a cemetery shall not permit any burial therein until he has been registered with the Registrar-General through the Division Registrar of the municipality in which such cemetery is situate as the owner of the cemetery.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. 8 Edw. VII. c. 33, s. 47.

Default of  
owner.

**23.** Where the owner of a cemetery neglects to keep it in good order or to erect or maintain fences as required by this Act, the Provincial Board may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with the requirements of it, the Provincial Board may cause what should have been done by him to be done at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof. *New.*

Absence or  
inability of  
owner.

**24.** Where the owner of a cemetery cannot be found or is unknown, or is unable to maintain it, the council of the local municipality in which the cemetery is situate may undertake the duty of maintaining it, and where a council so undertakes the corporation shall for the purposes of this Act be deemed to be the owner of the cemetery. *See* R.S.O. 1897, c. 214, s. 3.

Graves to  
be pro-  
vided for  
strangers  
and indig-  
ents free  
of charge.

**25.** Where the owner of a cemetery is an incorporated company or a municipal corporation it shall provide graves for strangers, and for the indigent, free of charge, but an incorporated company shall not be bound to do so in the case of an indigent, except upon the certificate of a member of the council of the municipality or of a minister or clergyman, that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R.S.O. 1897, c. 213, s. 13.

## SHAREHOLDERS IN CEMETERY COMPANIES.

**26.** The owner of a lot containing not less than 100 superficial feet, who has paid not less than 25 per cent. of the price of the lot, shall be deemed a shareholder in any company which is the owner of the cemetery, and every such lot shall be deemed a share in the company. R.S.O. 1897, c. 213, s. 23.

Lots to contain not less than 100 superficial feet.

## INTERMENT AND REMOVAL OF REMAINS.

**27.**—(1) The dead body of a person who has died of smallpox, scarlet fever, measles, diphtheria, croup, bubonic plague, cholera, epidemic cerebro spinal meningitis, or epidemic anterior poliomyelitis, shall not be disinterred except for the purpose of transportation or re-interment and in conformity with the Regulations.

Body not to be disinterred for 5 years in certain cases.

(2) No such dead body shall be transported by railway, steam or other vessel, or other public conveyance, unless prepared in the manner provided by the Regulations, and enclosed in a hermetically sealed coffin, which shall not be subsequently opened.

Transport of dead body by railway, etc.

**28.**—(1) No dead body shall at any time be disinterred or removed from any grave, place of burial or vault, other than a receiving vault, except under and subject to the Regulations and under the personal supervision and direction of the Medical Officer of Health.

Disinterment of dead body.

(2) The certificate of the Medical Officer of Health that the provisions of this Act and of the Regulations have been complied with shall be affixed to the coffin or other receptacle containing the dead body, before its removal from the cemetery.

Certificate of Medical Officer of Health.

(3) Every person who disinters or removes from any such grave, place of burial or vault, any dead body except as hereinbefore provided and every person who conveys or transports any such body in contravention of the provisions of this Act shall incur a penalty of \$100.

Penalty.

**29.** Every human body interred in a cemetery which is not placed or buried in a private vault so constructed as to prevent the escape of noxious or unhealthy gases therefrom, shall be buried so that the outside cover or shell of the coffin or other receptacle shall be at least four feet beneath the

Precautions to prevent escape of noxious or unhealthy gases

natural

natural surface of the ground and the coffin or other receptacle shall be immediately covered with at least four feet of earth.

Order for  
disinterment  
by  
Court.

**30.**—(1) Notwithstanding anything herein contained, where it is deemed necessary to disinter any dead body for the purpose of a judicial proceeding the Court in which the proceeding is pending may direct its disinterment under and subject to such conditions as to reinterment as may be deemed proper.

Order  
therefor  
by the  
Attorney-  
General.

(2) Where the Attorney General deems it expedient for the purpose of an enquiry as to the cause of death or for the purpose of any criminal proceeding, that a body should be disinterred, he may exercise the powers mentioned in subsection 1.

Disinterment  
for  
inquest.

**31.** Nothing in this Act shall prevent the disinterment of a dead body where a coroner has issued his warrant for the holding of an inquest thereon. *New.*

#### CLOSING CEMETERIES.

Closing  
cemetery  
for defective  
drainage, etc.

**32.** Where the Provincial Board reports in writing that a cemetery is so situated that owing to the want of proper facilities for drainage or from any other cause the same has become or is likely to become dangerous to the health of the inhabitants of the locality, the Lieutenant-Governor in Council may by proclamation declare that the cemetery shall be closed and that no further interments shall take place therein.

Removal  
of bodies  
and re-interment  
in  
another  
cemetery.

**33.**—(1) Whenever

- (a) a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as hereinbefore provided, or
- (b) the owner of a cemetery establishes to the satisfaction of the Lieutenant-Governor in Council that it is expedient that the bodies therein should be removed therefrom,

the Lieutenant-Governor in Council may direct such removal in the manner and according to the procedure provided by this section.

Notice of  
application.

(2) Before the application for an order under clause b of subsection 1 is granted, the owner shall give notice of the application once a week for four successive weeks in

the

the *Ontario Gazette*, and in a newspaper published in the local municipality in which the cemetery is situate or if there is no such newspaper then in a newspaper published in the county or district town and by registered letter addressed to every plot owner in the cemetery whose address is known or can be ascertained by the owner.

(3) After the making of the order the owner shall forthwith give notice thereof by publication once a week for at least two successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate or if there is no such newspaper then in a newspaper in the county or district town, and that he will at the expiration of thirty days from the publication of the last of such notices, disinter and remove such bodies and reinter them in the place described in the notice which shall be in some cemetery in the same or in an adjacent municipality.

Notice of order to be published.

(4) At the expiration of the time fixed by such notice any bodies not removed by the relatives or friends of the deceased, may be removed by the owner at his own expense and when removed may be reinterred by him in the cemetery mentioned in the notice.

When may be removed.

(5) The provisions of sections 28, 29 and 30 shall apply to such disinterment, removal and reinterment.

When ss. 28, 29, and 30 to apply.

(6) The owner shall remove all monuments, or headstones or other stones marking the graves in which bodies so removed are buried, and shall re-erect or replace them in the cemetery to which such bodies are removed.

Removal of monuments, etc., and re-erection of same.

(7) If and when the owner satisfies a Judge of the County or District Court of the County or District that he has removed from the cemetery and reinterred as hereinbefore provided all the remains which with the exercise of reasonable diligence he has been able to find buried in such cemetery, the Judge may certify that the provisions of this section have been complied with and such certificate may be registered in the proper Registry or Land Titles office on the production thereof.

Certificate of County or District Judge as to removal and registration of.

(8) The certificate when so registered shall be conclusive evidence that the owner has removed from the land therein described all the remains there buried and thereafter such land shall not be deemed a cemetery within the meaning of this Act but may be sold, leased or otherwise disposed of and dealt with by the owner as if it had not been a cemetery.

Effect of certificate.



## MISCONDUCT IN CEMETERY.

Preservation  
of property**34.—(1) No person shall**

- (a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in a cemetery, or any fence railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot within a cemetery; or
- (b) wilfully destroy, cut, break, or injure any tree, shrub or plant in a cemetery; or wilfully injure, destroy or deface any building or structure or any road, walk or other works in the cemetery;
- (c) play at any game or sport in a cemetery; or
- (d) discharge firearms in a cemetery except at a military funeral; or
- (e) wilfully and unlawfully disturb persons assembled for the purpose of burying a body therein; or
- (f) commit a nuisance in a cemetery.

Penalty for  
offences.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$4 nor more than \$40.

Animals.

(3) No person shall bring any dog, goat, or cattle within the limits of a cemetery, and every person so doing shall incur a penalty not exceeding \$20.

Liability to  
action.

(4) Every person who contravenes subsection 1, or subsection 3 shall also be liable in an action in the name of the owner of such cemetery or of a burial plot upon which such damage is done or other unlawful act committed, to pay all damages occasioned by his unlawful act, and when recovered the same shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed. R.S.O. 1897, c. 213, s. 28.

## OFFENCES AND PENALTIES.

Application  
of 10 Edw.  
VII. c. 37  
to prosecutions.

**35.** The penalties provided by this Part, shall be recoverable under *The Ontario Summary Convictions Act*.

## PART II.

## POWERS OF MUNICIPAL CORPORATIONS.

**36.**—(1) Subject to the provisions of Part 1 and to the Regulations the Council of every local municipality and the trustees of every police village may pass by-laws for:

- (a) making an annual or other grant of money to the owner of a cemetery situate in the municipality or the police village, or in any adjacent municipality or police village. 3 Edw. VII. c. 19, s. 577, par. 3. For making annual grants, etc.
- (b) regulating funerals and the interment of the dead. Regulating funerals, etc.
- (c) acquiring land in the municipality or in the police village or in an adjacent township for a cemetery, or for the enlargement of an existing cemetery of which the corporation is the owner. For acquiring land.
- (d) for selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and fixing the terms on which the same shall be conveyed or leased and held. On selling plots, etc.
- (e) for the maintenance, management, regulation and control of any cemetery which is owned by the corporation or the trustees whether situate within or without the municipality or police village. For maintenance, regulation and control of cemetery.

**37.** The council of every urban municipality and the trustees of every police village may pass by-laws for prohibiting the interment of the dead within the municipality or police village. By-laws prohibiting the interment of the dead.

**38.** The owner of any existing cemetery or of any land held for cemetery purposes may sell or transfer the same to any municipal corporation, or the trustees of any police village and if the land has not been used for burial purposes the corporation may sell the same and acquire other land in lieu of it. Owner may sell to Municipal Corporation.

## PART III.

## TRUSTEES OF CEMETERIES.

When lands  
for cemetery  
may be  
vested in  
trustees.

**39.**—(1) Where the inhabitants of a township or part of a township to the number of ten or more, desire to take a conveyance of land for a cemetery not for the exclusive use of any particular religious body, they may appoint trustees, to whom and their successors, appointed in the manner provided by the conveyance, the land may be conveyed.

Trustees  
to hold in  
perpetual  
succession.

(2) Such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land, in trust for the uses and purposes mentioned therein and may maintain and defend actions for the protection thereof and of their property therein.

Limitation  
to 10  
acres.

(3) There shall not be held in trust under any such conveyance more than ten acres. R.S.O. 1897, c. 214, s. 1.

Election of  
trustees  
when no  
other provis-  
ion made.

**40.** Where land has been set apart or sold for cemetery purposes and used as a cemetery and no provision has been made for the appointment of trustees of such cemetery, or where there is no person upon whom the duty of taking care of and maintaining a cemetery rests, the owners of plots therein may elect trustees in the manner hereinafter provided. 6 Edw. VII. c. 33, s. 1.

Owners of  
plots may  
call  
meeting.

**41.**—(1) Three or more of such owners may call a meeting for the purpose of electing trustees, by notice Form 1, to be published once a week for two successive weeks in a newspaper published in the local municipality in which the cemetery is situate, or if no newspaper is published in the local municipality, then in the newspaper published nearest to the local municipality.

Date of  
meeting.

(2) The date of the meeting shall be not less than two weeks from the date of the last publication of such notice.

Chairman  
and secre-  
tary of  
meeting

**42.**—(1) At the time and place named in the notice the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the meeting. 6 Edw. VII. c. 33, s. 3.

Three  
trustees to  
be elected.

(2) After the election of the chairman and secretary the members present shall elect from among the plot owners three persons to be trustees of the cemetery. 6 Edw. VII. c. 33, s. 4.

Certificate of  
election.

**43.**—(1) After the election of the trustees the chairman and secretary shall certify as to such election, Form 2.

(2) The certificate shall be in triplicate, and one of such triplicates, with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the proper Registry or Land Titles Office, and one of such triplicates shall be filed with the clerk of the local municipality in which the cemetery is situate, and one of such triplicates shall be delivered to the trustees. 6 Edw. VII. c. 33, s. 6. Registration and filing of certificate. 10 Edw. VII. c. 60.

44.—(1) Upon the registration of the certificate the cemetery shall be vested in the trustees so appointed and their successors, subject to the provisions of any deed or other instrument setting it apart for cemetery purposes or conveying the same or any plot therein for cemetery purposes, and subject to the rights of any person who may have theretofore purchased plots in such cemetery and to the provisions of this Act. 6 Edw. VII. c. 33, s. 7. *Amended.* Effect of registration.

(2) The trustees elected and their successors shall be deemed to be the owners of the cemetery within the meaning of this Act. Trustees deemed owners.

45. Whenever a vacancy occurs in the office of trustee, whether originally elected or to fill a vacancy, his successor shall be elected, and his election shall be certified and the certificate shall be registered in the manner hereinbefore provided in the case of a first election of trustees. 6 Edw. VII. c. 33, s. 8. Vacancies among trustees.

46.—(1) Where adjoining cemeteries are owned by separate boards of trustees or companies they may appoint trustees to whom and to their successors, appointed in the manner provided by the conveyance, all or any of the land vested in the appointing bodies may be conveyed, and the same may be conveyed accordingly and the trustees appointed by such conveyance and their successors in perpetual succession by the name expressed in the conveyance, may take, hold and possess the land thereby or thereafter conveyed to them as a site for a cemetery or for the enlargement of an existing cemetery, and maintain and defend actions for the protection thereof and of their property therein. 61 Vict. c. 21, s. 1. Trustees and companies holding adjoining cemeteries may appoint one board of trustees.

(2) Instead of appointing trustees as provided by subsection 1, the cemeteries may be conveyed to and vested in the company or in one of the companies, upon such trusts, if any, as the appointing bodies may deem proper. *New.* And convey cemeteries to board.

47. Chapters 213 and 214 of the Revised Statutes of Ontario, 1897, chapter 21 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, and chapter 20 of the Acts passed in the 5th year, chapter 33 of the Acts passed in the 6th year, and section 48 of chapter 33 of the Acts passed in the 8th year of the reign of His late Majesty King Edward the Seventh are repealed. Repealed.

## SCHEDULE.

## FORM 1.

Notice of  
meeting

Take notice that a meeting will be held at (*naming a place in the local municipality in which the cemetery is situate*) at in the of on the day of 19 , at the hour of o'clock in the noon, for the purpose of electing trustees for the cemetery (*here insert description of land sufficient for the purpose of registration and name or designation, if any, of the cemetery*). The owners of plots are requested to attend the meeting.

Dated at the day of , 19 .

A.B., C.D., E.F.,  
Plot Owners.

6 Edw. VII. c. 33, s. 2.

## FORM 2.

Certificate  
of election.

We hereby certify that at a meeting of the owners of plots in the cemetery, (*here insert description of land sufficient for the purpose of registration and the name or designation, if any, of the cemetery*). of , held pursuant to the provisions of *The Cemetery Act*, at on the day of , 19 , the following persons were elected trustees of the cemetery:

A.B.,	of
C.D.,	of
E.F.,	of

(*insert place of residence and occupation of each trustee.*)

Witness:

Chairman.  
Secretary.

## CHAPTER 57.

An Act to Encourage Housing Accommodation  
in Cities and Towns.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of On-  
tario, enacts as follows:—

**1.** In this Act,

“Lands” shall include leaseholds;

“Securities” shall mean bonds, debentures, debenture  
stock, or other securities.

Interpre-  
tation.  
“Lands.”  
“Securities.”

**2.** A Company incorporated under *The Ontario Com-*  
*panies Act*, with a share capital whose main purposes of in-  
corporation are the acquisition of lands in or near a city of  
or town in Ontario and the building and making thereon  
of dwelling houses of moderate size and improvements and  
conveniences, to be rented at moderate rents, may petition  
the council of such city or town to guarantee its securities,  
to enable or assist it to raise money to carry out such main  
purposes.

Petition of  
company to  
council for  
guarantee  
of bonds.

**3.**—(1) If the council is satisfied that additional housing  
accommodation for those living or working in the munici-  
pality is urgently needed, and that the main purpose of the  
company is to help, *bona fide*, in supplying such need, and is  
not to make profits, and that the company, without borrowing  
the money required, over and above the proceeds of the  
guaranteed securities, for the housing accommodation in con-  
templation, will be able to provide the same, the council may,  
with the assent of the electors entitled to vote on money by-  
laws, pass a by-law authorizing and providing for the giving  
by the council of such guarantee to the amount and upon the  
terms and conditions hereinafter contained.

By-law for  
guarantee  
of bonds  
with assent  
of electors.

When assent  
of electors  
not re-  
quired.

(2) It shall not be necessary to obtain the assent of the electors to the by-law if it is approved of by the Provincial Board of Health.

Approval of  
location of  
lands.

4. The council, or a committee thereof, shall, before the guarantee is given, approve of the location of the lands selected for the housing accommodation and of the general plans for the houses.

Mortgage  
securing  
bonds.

5. The securities to be guaranteed shall be secured by one or more deeds of trust by way of first mortgage or charge upon such lands as the council or committee may approve of, including the houses and improvements built and made or to be built and made thereon.

Approval of  
forms of  
securities,  
mortgages,  
guarantee,  
etc.

6. The kind of securities to be guaranteed and the forms and terms thereof, and the forms and terms of the deed or deeds of trust securing them, and the trustee or trustees, and the times and manner of the issue of securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys, and the forms and manner of guarantee, shall be such as the council or committee approve of; and such terms, provisions and conditions may be included in such deed or deeds of trust as the council or committee deem expedient or necessary.

Execution  
of guaran-  
tee.

7.—(1) The guarantee shall be signed by the mayor and treasurer of the municipal corporation, and upon being so signed the corporation shall become liable for the payment of the principal and interest of the securities guaranteed, according to the tenor thereof.

Authority  
to provide  
funds to  
meet  
guarantee.

(2) If the corporation becomes liable to pay any of such guaranteed securities, it may provide for the payment of the same out of the general funds of the corporation or by the issue of debentures payable within a term not exceeding ten years from the issue thereof, and it shall not be necessary to obtain the assent of the electors to a by-law providing for the issue of such debentures.

Limit of  
guarantee.

8. The total amount of securities to be guaranteed shall not in the first instance exceed 85 per cent. of an amount to be fixed in the deed or deeds of trust as representing the value of the lands and housing accommodation and improvements to be built and made thereon, and the said deed or deeds may make all convenient provisions for the expenditure of additional moneys on the said lands and housing accommodation and improvements and for the acquisition of additional lands to be made part of the mortgaged premises and for expenditure thereon, and for the issue of additional guaranteed securities under said deed or deeds, but so that the total amount outstanding shall not exceed 85 per cent.

of



of the value of the mortgaged premises to be ascertained and fixed in the manner provided in such deed or deeds, and for the issue of such additional securities in advance of expenditure, and for the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure thereof.

**9.** The council of the municipal corporation which guarantees securities of the company as provided for in this Act may from time to time appoint and remove one member of the Board of Directors of such company, and in case of a vacancy in such membership by removal, death, resignation or otherwise, his successor may be appointed by the council, and so on from time to time. It shall not be necessary for the appointee of the council to hold stock in the capital of the company or to be otherwise qualified as a director.

Appointment of one Director by Council.

**10.** The books of a company whose securities have been guaranteed by a municipal corporation (hereinafter referred to as the "Assisted Company") shall at all times be open to inspection by any person named in that behalf by the council.

Inspection of books of company.

**11.—(1)** No dividend upon the capital stock of the Assisted Company or other distribution of profits among the shareholders shall be declared or paid exceeding six per cent. per annum in any one year.

Limit of dividends.

(2) Such dividend may be payable in instalments during the year.

(3) If the sums paid in any year do not amount to six per cent. the deficiency, with interest, may be made up in any subsequent year or years.

**12.—(1)** Any net profits received by the Assisted Company in any year, and not required to pay said six per cent. or to make up a deficiency therein or for a reasonable contingent fund, shall be expended by the company in acquiring lands, improving its housing accommodation by way of new buildings, additions, extensions or other improvements, or in redeeming or getting in the capital stock of the company, as hereinafter provided.

Application of profits after payment of dividends

(2) The High Court Division of the Supreme Court of Ontario shall have jurisdiction, upon the application of the council of the municipal corporation guaranteeing the company's securities, to enforce by mandamus or otherwise the carrying out of this section by the company, its directors and officers.

Power to  
redeem out-  
standing  
shares.

**13.**—(1) The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing its securities, pass a by-law providing for redeeming or getting in, upon such plan and terms and at such times as may be deemed best, the whole or part from time to time of the outstanding shares in the capital stock of the company.

Moneys  
which may  
be used to  
redeem.  
Proviso.

(2) For such purpose any available moneys, whether representing capital or otherwise, may be used. Provided always that no greater premium than ten per cent. shall be paid upon the redemption or getting in of any share. Provided that after five years from the first issue of guaranteed securities the company, at the request of the said council, shall pass such by-law and any difference which may then arise respecting the terms thereof shall be settled by the Lieutenant-Governor in Council.

Power of  
shareholders  
to bequeath  
shares to  
Company.

**14.** Any shareholder may give or bequeath to the Assisted company or to the Board of Trustees established under section 14, the whole or any part of his shares in the capital stock of the company, and the company may accept and hold the same until transferred to the said Board of Trustees.

Establish-  
ment of  
Board of  
Trustees.

**15.** The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing the securities, establish a Board of Trustees to receive and hold the shares redeemed or got in or given or bequeathed to the company or to such board, upon such trusts and for such purposes and with such powers as may be thought expedient in furtherance of the objects of this Act and as may be declared or provided for in the instrument establishing the board. The successors of the said trustees shall be appointed in the manner provided for in said instrument. The company with the like approval may alter the terms of said instrument and add to or otherwise vary the trusts, purposes and powers therein mentioned. Provided that after five years from the first issue of guaranteed securities the company, at the request of the said council, shall establish such Board of Trustees. Any differences which may then arise respecting the terms of the instrument establishing the board shall be settled by the Lieutenant-Governor in Council.

Redeemed  
shares vest-  
ed in Board  
of Trustees.

**16.** The shares redeemed or got in or given or bequeathed to the company shall not become extinct but shall be transferred to and vested in the said Board of Trustees.

Authority  
to furnish  
money to  
redeem  
shares.

**17.** The council of the municipal corporation guaranteeing the Company's securities may from time to time furnish

the

the company with moneys to be applied in the redemption or getting in of shares from time to time under the terms of the by-laws above mentioned, and the company shall apply such moneys accordingly.

**18.** No stock in the capital of the Assisted Company shall be sold or disposed of for any consideration other than cash, and moneys received by the Assisted Company on account of its capital stock shall not be used for expenditures other than those connected with the carrying out of the main purposes of the company, viz., the acquisition of lands in or near a city or town in Ontario and the building and making thereon of dwelling houses of moderate size and improvements and conveniences, and the carrying out of the objects of this Act.

**19.** The Assisted Company may accept legacies, gifts and devises of personal and real property notwithstanding *The Mortmain and Charitable Uses Act*.

Stock to be  
sold only  
for cash.

Power of  
company to  
accept  
legacies, de-  
vises, etc.  
9 Edw. VII.  
c. 68.

## CHAPTER 58.

# An Act to regulate the Manufacture of Dairy Products.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	CONDUCTED WITHOUT PERMISSION OF MINISTER, s. 3.
INTERPRETATION, "CHEESE FACTORY," "CREAMERY," "INSPECTOR," "MINISTER," s. 2.	CLOSING OF UNSANITARY PREMISES, s. 4.
REGISTRATION OF CREAMERIES, CHEESE FACTORIES, ETC., s. 3.	CHIEF MAKERS, QUALIFICATIONS OF, s. 5.
UNREGISTERED PLACES NOT TO BE	PENALTIES, s. 6.
	REPEAL, s. 7.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Dairy Products Act.* 9 Edw. VII. c. 86, s. 1.

Interpretation.      **2.** In this Act,

"Cheese Factory."      (a) "Cheese Factory" shall mean any place to which the milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;

"Creamery."      (b) "Creamery" shall mean any place to which the milk or cream from the herds of three or more persons is brought for the purpose of being manufactured into butter for public sale;

"Inspector."      (c) "Inspector" shall mean inspector appointed under *The Milk, Cheese and Butter Act*;

3-4 Geo. V.  
c. 59.

"Minister."      (d) "Minister" shall mean Minister of Agriculture.  
9 Edw. VII. c. 86, ss. 2, 3. (*Amended*).

3.—(1) A person who was not on the first day of January, 1910, registered under section 4 of the Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 86, shall not carry on business in a creamery, milk condensory, milk powder factory or the manufacture or collection of any form of dairy products in any building or place not recorded in the list, mentioned in the said section, without first receiving from the Minister permission to do so, and the permission shall be granted only after a report from an inspector.

Unregistered places not to be conducted without permission of Minister.

(2) Permission may be refused for lack of proper equipment, or unsanitary conditions.

Grounds of refusal.

(3) An applicant may appeal from the decision of the Minister to the Lieutenant-Governor in Council, whose decision shall be final. 9 Edw. VII. c. 86, s. 5. *Amended.*

Appeal to Lieutenant-Governor in Council.

4. Upon the report of an inspector that any creamery, cheese factory, milk condensory, milk powder factory, cream or milk gathering station, or other place for the manufacture or collection of dairy products is not in a satisfactory sanitary condition, or is inadequately equipped for the manufacture or collection of dairy products, the Minister may order the same to be closed forthwith and it shall be kept closed until the inspector reports that it has been put into a satisfactory sanitary condition and is adequately equipped for the manufacture or collection of dairy products. 9 Edw. VII. c. 86, s. 6. *Amended.*

Minister may order the closing of unsanitary premises.

[As to inspection by medical officer of health, see 2 Geo. V. c. 58, s. 88.]

Qualification of chief makers in creameries and cheese factories.

5.—(1) No person who does not hold a certificate of qualification shall act or be allowed to act as chief maker in any creamery or cheese factory.

(2) The certificate may be granted by:

Who may grant certificate

(a) The Dairy School of the Ontario Agricultural College, or the Eastern Dairy School;

(b) The Minister on the general grounds of competency, as recommended by an Advisory Board to be composed of the Chief Dairy Instructors, the President of the Dairymen's Association of Eastern Ontario, the President of the Dairymen's Association of Western Ontario and the Director of Dairy Instruction.

(3)

Permit for  
two years  
after ex-  
amination.

(3) Upon the written authority of the Superintendent of either of such Dairy Schools any person may be allowed to act as chief maker for a period not to exceed two years after he has passed his examination in the Dairy School. 10 Edw. VII. c. 26, s. 28.

Penalties.

10 Edw.  
VII. c. 37.

**6.** Any person contravening the provisions of this Act shall incur a penalty not exceeding \$10, recoverable under *The Ontario Summary Convictions Act*. 9 Edw. VII. c. 86, s. 8.

[*As to the limitation of the amount of stock which may be held by one person, see 2 Geo. V. c. 31, s. 51.*]

Repeal.

**7.** Chapter 86 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh, and section 28 of *The Statute Law Amendment Act, 1910*, are repealed.

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## CHAPTER 59.

An Act respecting Milk, Cheese and Butter  
Manufactories.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

INTERPRETATION, "MINISTER," s. 2.

RULES, POWER TO MAKE, s. 3.

On whom to be binding, s. 4.

PREVENTION OF FRAUDS, ss. 5-14.

Right to test milk, s. 5.

Right to take samples, s. 6.

Notice to be given when milk  
diluted, s. 7.

Or when part kept back, s. 8.

Or when milk tainted, s. 9.

Provisions for ensuring clean-  
liness, ss. 10, 11.INSPECTORS, APPOINTMENT OF,  
POWERS, ETC., ss. 12-14.

PENALTIES, ss. 15-18.

ACT NOT TO APPLY TO MILK SOLD  
FOR HUMAN CONSUMPTION,  
s. 19.

REPEAL, s. 20.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1** This Act may be cited as *The Milk, Cheese and Butter* Short title.  
Act. 8 Edw. VII. c. 55 s. 1.

**2.** In this Act,

Interpreta-  
tion.

(a) "Factory" shall mean and include a cheese Factory.  
or butter manufactory, condensed milk factory,  
creamery, milk powder factory, or other premises  
where milk or cream is collected for sale or ship-  
ment or manufacture.

(b) "Minister" shall mean the Minister of Agricul-Minister.  
ture.

**3.** The owners or board of management of a creamery may Power to  
make such rules and regulations as may be deemed advisable make rules.  
for the due carrying on of the business of the creamery.  
8 Edw. VII. c. 55, s. 3.



Rules to be binding on patrons, etc.

4. The patrons of all creameries may be required to subscribe their names to such rules and regulations, and the same shall be binding on them and on the owners and board of management. 8 Edw. VII. c. 55, s. 4. *Amended.*

#### PREVENTION OF FRAUDS.

Right to test milk.

5.—(1) The owner or manager of a factory may require the owner or custodian of a cow whose milk is being bought for, or supplied or sent to, the factory, to submit such cow at the premises where it is usually kept to such milk test by persons named by such owner or manager, as may be necessary for them to ascertain the quantity and quality of the milk of such cow on any day as may be appointed by such owner or manager.

Interfering with test.

(2) If the owner or custodian refuses to so submit the cow or obstructs the persons making the milk test, or interrupts the test, or interferes in any way with it, he shall for every such offence incur a penalty of not less than \$10 nor more than \$100. 8 Edw. VII. c. 55, s. 5. *Amended.*

Right to take samples of milk.

6.—(1) The owner or manager of a factory who suspects any person of selling, supplying, sending or bringing milk to the factory, of an offence against this Act, may enter upon or may appoint some person or persons to enter upon, and such person or persons may enter upon, the premises of the suspected person, with or without notice, and take samples of milk from any cow from which the supposed offender was or had been immediately before then, procuring the milk or part of the milk so sold, supplied, sent or brought.

Interfering with taking of samples.

(2) Any such suspected person who obstructs or refuses to permit the taking of any such sample shall incur a penalty of not less than \$10 nor more than \$50. 8 Edw. VII. c. 55, s. 6. *Amended.*

Notice to be given when milk diluted, etc.

7. No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or milk in which any preservative is contained, without distinctly notifying, in writing, the owner or manager of such factory of the fact. 8 Edw. VII. c. 55, s. 7. *Amended.*

Notice to be given when any part of milk is kept back.

8. No person who in the course of his business agrees to sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured, the milk of any cow, shall in the course of such dealing and business, keep back any

any part of the milking of such cow without distinctly notifying, in writing, the owner or manager of such factory what portion of the milk he has so kept back. 8 Edw. VII. c. 55, s. 8.

**9.** No person shall sell, supply, bring or send to a factory or the owner or manager thereof, to be manufactured, any milk tainted or partly sour, without distinctly notifying, in writing, the owner or manager of such factory of the fact. 8 Edw. VII. c. 55, s. 10.

Notice to be given when milk tainted.

**10.** Every person supplying milk or cream to a factory shall keep his dairy, milk house, milk stand, vessels and equipment used for storing or carrying milk or cream in a clean and sanitary condition. 8 Edw. VII. c. 55, s. 11. *Amended.*

Milk, etc., supplied to cheese factory or dairy to be kept in clean and sanitary condition.

**11.—(1)** Every factory and its surroundings shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy product shall be clean and pure.

Creameries and cheese factories to be kept clean.

(2) The owner or manager of a factory who refuses or neglects to observe the provisions of this section after being warned or advised by a dairy inspector, shall incur a penalty of not less than \$50 nor more than \$200. 8 Edw. VII. c. 55, s. 12. *Amended.*

Penalty.

**12.—(1)** Upon the recommendation of the Minister, the Lieutenant-Governor in Council may appoint one or more persons as inspectors for enforcing the provisions of this Act, who shall be known as Dairy Inspectors.

Appointment of inspectors.

(2) The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors. 8 Edw. VII. c. 55, s. 13.

Remuneration.

**13.—(1)** Every dairy inspector shall have free access and admission to every factory and to all the lands adjoining the same, and to the premises of all persons supplying milk or cream to any factory.

Powers of inspectors.

(2) He may take and test samples of milk found in a factory, or in transit between a producer and a factory.

Taking samples in cheese factories, etc., or in transit.

(3) He may take and test samples of milk found upon the premises of producers supplying milk to a factory, and may

On premises of producers

take and test samples from cows which have been producing milk to be sold to factories.

Obstructing  
inspector.

(4) Any person refusing admission or offering obstruction to the work of inspection or of taking samples or testing the same shall incur the penalty provided by section 15. 8 Edw. VII. c. 55, s. 14. *Amended.*

Inspectors  
may take  
samples.

(5) Every inspector may at any time take samples for testing any product manufactured in any factory. 9 Edw. VII. c. 26, s. 23.

Report of  
inspector.

**14.** Every inspector shall make such reports in such form as the Minister may direct. 8 Edw. VII. c. 55, s. 15.

#### PENALTIES.

Penalty for  
violations  
of ss. 7, 8,  
10, 11, 14.

**15.**—(1) Any person who, by himself, or by his servant or agent, contravenes any of the provisions of sections 7, 8, 9, 10 or 13 shall incur a penalty of not less than \$5 nor more than \$50.

Evidence for  
violations  
of ss. 7-8.

(2) For the purpose of establishing the guilt of any person under sections 7 or 8, it shall be sufficient *prima facie* evidence to show that such person, by himself, his servant, or agent, sold, supplied, sent or brought, to be manufactured, to a factory, milk which, by comparison made by means of a lactometer and Babcock Tester, was substantially below the standard of that actually drawn, or by the accused represented as having been drawn from the same cows within two weeks.

Description  
of offence  
in informa-  
tion or  
complaint.

(3) In a complaint under sections 7, 8, 9, 10 or 13 and in a conviction thereon the milk may be described as deteriorated milk, without specification of the cause or mode of deterioration, and the matter complained of may be declared and shall be held to have arisen within the meaning of *The Ontario Summary Convictions Act*, at the place where the milk was to be manufactured, notwithstanding that the deterioration was effected elsewhere. 8 Edw. VII. c. 55, s. 16. *Amended.*

10 Edw.  
VII. c. 37.

[As to inspection of premises by medical officer of health, see *The Public Health Act*, 2 Geo. V. c. 58, s. 88.]

Appropriation  
of  
penalties.

**16.** A pecuniary penalty imposed under the next preceding section in respect of selling, supplying or bringing milk to a factory shall, when recovered, be payable one-half to the informant, and the other one-half to the owner of the factory to which the milk was sold, supplied, sent or brought in contravention of any of the provisions of this Act, to be distributed

distributed among the patrons thereof in proportion to their respective interests in and profits thereof. 8 Edw. VII. c. 55, s. 17.

**17.**—(1) The owner or manager of a factory who knowingly and fraudulently uses, or directs any of his employees to use, for his or their individual benefit, any cream from the milk brought to the factory without the consent of all the owners thereof, shall, for every offence, incur a penalty of not less than \$1 nor more than \$50, which, when recovered, shall be payable one-half to the informant and the other one-half to the treasurer of the municipality in which the offence was committed.

Fraudulent use of cream from milk supplied.  
Penalty.

(2) Any person aggrieved by such fraudulent conduct may, at his election, recover from the offender by action, the amount of damages sustained. 8 Edw. VII. c. 55, s. 18.

Civil remedy.

**18.** The penalties imposed under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and in the case of a prosecution under section 17 the complaint shall be heard and determined by two or more justices of the peace. *New.*

Procedure.  
10 Edw. VII. c. 37.

[As to the limitation of the amount of stock which may be held by one person. See 2 Geo. V. c. 31, s. 51.]

**19.** Nothing in this Act shall apply to milk sold or offered for sale for human consumption. 1 Geo. V. c. 69, s. 14.

Application of Act.

**20.** Chapter 251 of the Revised Statutes of Ontario, 1897; Chapter 55 of the Statutes passed in the eighth year of the reign of His late Majesty King Edward the Seventh, and sections 23 and 24 of *The Statute Law Amendment Act, 1909*, are repealed.

Repeal.

## CHAPTER 60.

An Act for the Protection of Persons Employed  
in Factories, Shops and Office Buildings.*Assented to 6th May, 1918.*

## PART. I.

## PRELIMINARY.

- Short Title, s. 1.
- Interpretation, s. 2.
- Application, 3-15.
- Public Health Act not to be affected, s. 3.
- Persons doing repairs excepted, s. 4.
- When separate factory and as to laundry, s. 5, 6.
- When not to apply, s. 7.
- Whom to be employed and evidence of, ss. 8, 9, 10.
- Register of children, etc., s. 11.
- Penalties, ss. 11 (2) 15 (2), 16, 18 (4).
- Register to have Form 4, Sch. B, printed on it, s. 12.
- Who deemed employer, s. 13.
- Inspector's certificate required before operating factory and notice of, ss. 15, 16.

## ADMINISTRATION, ss. 17-24.

- Appointment of Inspectors and Chief Inspector, regulations as to powers of and certificate of appointment, ss. 17-20.
- Warrant for Inspector for inspection when issued, s. 21.
- Inspector, when not required to give evidence, s. 22.
- Penalty, s. 23 (2).
- Notices to be put up in factory and service of, ss. 23 (1), 24.

## EMPLOYMENT, ss. 25-40.

- Non-employment of child except in canning factories

and of children gathering fruits therefor, ss. 25, 26.

Children under 12 not to be employed in shops or any child during school hours, nor youths or young girls where work dangerous or unwholesome, ss. 27-29.

Seats to be provided in shops for young girls and women, s. 30 (1).

Child not to be employed where cooking carried on in connection with canning, s. 31.

Employment, hours of, meals, place for, and exemptions, and notice of, ss. 32-39.

Contravention and penalties, s. 40.

## HEALTH AND SAFETY, ss. 41-62.

Conveniences for employees, s. 41.

Hydro-Electric regulations, s. 42.

Sanitary regulations, ss. 43, 44.

Remedy over, by owner against tenant, s. 45.

Premises occupied by more than two persons, s. 46.

Restrictions as to sleeping rooms, and when to apply, ss. 47-50.

Restrictions as to stables, s. 51.

Register as to clothing manufacturers, s. 52.

Female employees' mode of wearing hair, s. 53.

Cleaning

Cleaning machinery, s. 54.  
 Guarding machinery, s. 55.  
 Storage of coal oil and other inflammable material, s. 56.  
 Boiler insurance and inspection, s. 57.  
 Elevators and hoists, s. 58.  
 Fire prevention and protection, ss. 59 (1-3).  
 Penalties, ss. 41 (3), 43 (6), 44 (4), 54, 58 (3), 62.  
 Notice of accidents, explosions and deaths, ss. 60-62.  
 BAKESHOPS, ss. 63-69.  
 Construction and maintenance, s. 63.  
 Washrooms, closets, etc., s. 64.  
 Basements, s. 65.  
 Sleeping places, s. 66.  
 Sections 43 (5) and 70 to apply to bakeshops, s. 67.  
 Fire escapes, s. 68.  
 Bread, etc., manufactured out of Ontario, s. 69.  
 Working on Sunday, s. 70.

BARBER SHOP, working on Sunday, s. 71.

OFFENCES AND PENALTIES, ss. 72-83.

Penalties, ss. 72-75, 77.

Onus of proof as to age of child, s. 76.

Conviction of actual offender to relieve employer, etc., ss. 77-79.

Cumulative penalties, s. 80.

Application of penalties, s. 81.

Prosecutions and procedure, ss. 82, 83.

## PART II.

MUNICIPAL BY-LAWS AS TO  
 EARLY CLOSING OF SHOPS, s. 82.

Penalties, s. 84 (19).

Repeal, s. 85.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

### PRELIMINARY.

#### *Short Title.*

**1.** This Act may be cited as "*The Factory, Shop and Office Building Act.*" R.S.O. 1897, c. 256, s. 1; c. 257, s. 1.  
*Amended.*

#### *Interpretation.*

**2.** In this Act,

- (a) "Bake-shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes, or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery,

bread

bread, biscuits, cakes and other food products and materials. R.S.O. 1897, c. 257, s. 34 (1).  
*Amended.*

- "Child." (b) "Child" shall mean a person under the age of fourteen years. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4 (1) (e).
- "Court." (c) "Court" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part. R.S.O. 1897, c. 256, s. 2, *part*.
- "Employer." (d) "Employer" as applied to a factory or shop shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent, has charge of any factory, shop or bakeshop and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4, *part*.  
*Amended.*
- "Factory." (e) "Factory" shall mean:
- (i) Any building, workshop, structure or premises of the description mentioned in Schedule A, together with such other buildings structures or premises as the Lieutenant-Governor in Council may by proclamation declare to be factories within the meaning of this Part;
  - (ii) Any other building, workshop, structure, premises, room or place wherein, or within the precincts of which, steam, water, electrical power or energy, or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;
  - (iii)



- (iii) Any other building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article, or part of any article, the altering, repairing, ornamenting or finishing of any article, or, the adapting for sale of any article. R.S.O. 1897, c. 256, s. 2, *part. Amended.*
- (f) "Inspector" shall mean an Inspector appointed by "Inspector." the Lieutenant-Governor in Council for enforcing the provisions of this Part and shall include the Chief Inspector. R.S.O. 1897, c. 257, s. 4 (1) (b); 2 Edw. VII., c. 36, s. 2. *Amended.*
- (g) "Mill-gearing" shall include every shaft, whether "Mill  
upright, oblique or horizontal, and every gearing." wheel, drum, pulley or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. R.S.O. 1897, c. 256, s. 2, *part.*
- (h) "Minister" shall mean the member of the Execu- "Minister." tive Council charged for the time being with the administration of this Part. (*New.*)
- (i) "Office" shall include a building or that part of "Office." a building occupied and under the control of a separate employer and used for office purposes. (*New.*)
- (j) "Office building" shall mean a building used or "Office  
occupied for office purposes and not as a shop or building." factory, and shall include a part of a building when so used or occupied. *New.*
- (k) "Owner" shall mean the person for the time being "Owner." entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop,

bakeshop

bakeshop or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon. *See* 2 Geo. V. c. 58, s. 2 (*k*). *Amended.*

"Parent."

(*l*) "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child, youth or young girl. R.S.O. 1897, c. 256, s. 2, *part*.

Regulations.

(*m*) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Part. (*New.*)

"Shop."

(*n*) "Shop" shall mean any building or a portion of a building, booth, stall, or place where goods are handled, or exposed or offered for sale, and any such building, or portion of a building, booth, stall or place where goods are manufactured, and which is not a factory to which this Act applies; but shall not include any place where the only trade or business carried on is that of a licensed hotel or tavern. R.S.O. 1897, c. 257, s. 4 (1) (*a*). *Amended.*

"Week."

(*o*) "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4 (1) (*d*).

"Woman."

(*p*) "Woman" shall mean a woman of eighteen years of age and upwards. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4 (1) (*g*).

"Young girl."

(*q*) "Young girl" shall mean a girl of the age of fourteen and under the age of eighteen years. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4 (1) (*f*).

"Youth."

(*r*) "Youth" shall mean a male of the age of fourteen and under the age of sixteen years. 8 Edw. VII. c. 57, s. 1.

*Application of Act.*

**3.**—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under *The Public Health Act*. Act not to affect Public Health Act.  
R.S.O. 1897, c. 257, s. 2.

(2) For the purposes of this Part in respect to sanitary measures, the Chief Officer of Health or any health officer may act jointly by, with or independently of the Inspector under this Part. *New.* Administration.

**4.** Nothing in this Part shall extend to a mechanic, artisan or labourer, working only in repairing either the machinery in, or any part of a factory, shop, bakeshop, or office building. Act not to apply to persons working only at repairs.  
R.S.O. 1897, c. 256, s. 27. *Amended.*

**5.**—(1) A part of a building used as a factory, shop, bakeshop, or office building may with the written approval of an Inspector for the purposes of this Part be taken to be a separate factory, shop, bakeshop, or office building. When separate factory.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop or office building for the purposes of this Part. Dwelling or sleeping room not part of factory.  
R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 5. *Amended.*

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory, for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly. When separate and when part.  
R.S.O. 1897, c. 256, s. 2, *part.*

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. When premises in open air not excluded.  
R.S.O. 1897, c. 256, s. 2, *part.*

**6.**—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory to which this Part applies. Certain laundries to be deemed factories.  
1 Geo. V. c. 70, s. 1.  
*Amended.*

Home  
laundry  
work  
excepted.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. 1 Geo. V. c. 70, s. 3.

Act not to  
apply.

Where five  
persons only  
employed in  
factory  
and only  
manual  
labor used.

7.—(1) Except as otherwise expressly provided this Part shall not apply to any factory where not more than five persons are employed, and no power other than manual labour is used in aid of the manufacturing process carried on there. R.S.O. 1897, c. 256, s. 2, *part*.

Act to apply  
where more  
than five  
persons em-  
ployed.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory, unless the Inspector is satisfied that less than six persons are usually employed therein. *New*.

Members of  
family at  
home in  
shop.

(3) This Part shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home. R.S.O. 1897, c. 257, s. 33. *Amended*.

Who to be  
deemed  
employed.

8.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto, and control thereof, contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such other person engages or employs therein any workman, child, youth, young girl, or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant. R.S.O. 1897, c. 256, s. 2, *part*; c. 257, s. 4, *part*.

Mode of  
estimating  
persons em-  
ployed.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies, every such workman, child, youth, young girl or woman shall be counted. R.S.O. 1897, c. 256, s. 2, *part*.

Evidence as  
to employ-  
ment.

9.—(1) Every person found in a factory, except at meal times, or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory.

(2) Yards, playgrounds and places open to public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be part of the factory for the purposes of this section. R.S.O. 1897, c. 256, s. 6 (1), (2). *Amended.*

Yards and places not part of factory.

**10.**—(1) A child, youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory.

Child, youth, young girl, or woman who does any work in factory to be deemed employed in factory.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. R.S.O. 1897, c. 256, s. 7.

Apprentices.

**11.**—(1) In every factory and shop the employer shall keep a register of the children, youths, young girls and women employed in the factory and shop and of their employment, Forms 1 and 2 in Schedule "B," and shall send to the Inspector such extracts from any register kept in pursuance of this Part as the Inspector from time to time requires for the execution of his duties, and shall permit the Inspector at all times to inspect such register. R.S.O. 1897, c. 256, s. 33, *part*; c. 237, s. 10, *part*; 8 Edw. VII. c. 57, s. 2.

Register of children to be kept. Extracts from and inspection of.

(2) For every contravention of this section the employer shall incur a penalty not exceeding \$30. R.S.O. 1897, c. 256, s. 33, *part*; 8 Edw. VII., c. 57, s. 2.

Penalty.

**12.**—(1) On the first page of every register kept by an employer pursuant to this Part, or to the regulations made by the Lieutenant-Governor in Council, shall be printed the Form 4 in Schedule "B," and the same shall be properly filled up and signed by the Inspector and the employer, when such register is commenced to be kept. R.S.O. 1897, c. 256, s. 50; 8 Edw. VII. c. 57, s. 2.

Form 4 to be printed on first page of register

(2) The forms of notice mentioned in Schedule "B" may be altered or modified by regulation of the Lieutenant-Governor in Council. *New.*

Forms of notice may be altered or modified.

Who to be deemed employer of children, etc., in certain cases.

**13.** Where in a factory or shop the owner or hirer of a machine or implement moved by steam, water, electrical power or energy, or other power, in or about or in connection with which machine or implement any child, youth, young girl or woman is employed, is some person other than the employer, and such child, youth, young girl, or woman is in the employment and pay of the owner or hirer of such machine or implement, he shall, so far as respects any offence against this Part, which may be committed in relation to such child, youth, young girl, or woman, be deemed to be the employer. R.S.O. 1897, c. 256, s. 25; 8 Edw. VII. c. 57, s. 2, *part. Amended.*

Plans to be submitted to Inspector.

**14.** Before erecting any building or altering any existing building which it is intended thereafter to use as a factory the owner shall submit the plans of such building or of the proposed alterations to the Inspector, and the Inspector shall examine the same and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval. *New.*

Certificate of inspection before operating factory.

**15.**—(1) The owner, proprietor or manager of any factory shall not begin operations until he has received from the Inspector a certificate of inspection of the factory and a permit to operate the same.

Penalty.

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 72. 1 Edw. VII. c. 35, s. 4.

Notice to be sent to by person occupying factory.

**16.** Every person shall, within one month after he begins to occupy a factory transmit to the Inspector a notice, Form 7, Schedule "B," containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty not exceeding \$30. R.S.O. 1897, c. 256, s. 33, *part.*

Penalty.

#### ADMINISTRATION.

Power of Lieutenant-Governor in Council.

**17.** The Lieutenant-Governor in Council may for the purpose of carrying out this Part—

(a)

- (a) appoint as many Inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector, who shall have the general supervision and direction of the other inspectors and of the carrying out of the provisions of this Part; Appointment of Inspector and Chief Inspector.

- (b) make such regulations for carrying out the provisions of this Part, as may be deemed necessary. Regulations for carrying out provisions of Act.  
 R.S.O. 1897, c. 256, s. 28, *part 29*; c. 257, s. 42;  
 2 Edw. VII. c. 36, s. 3. *Amended.*

**18.—(1)** Every Inspector may, in the execution of this Act, and for enforcing the Regulations, Powers of Inspector.

- (a) enter, inspect and examine at all reasonable times by day or night any factory, shop, bakeshop or office building when he has reasonable cause to believe that any person is employed therein, and enter by day any place which he has reasonable cause to believe is a factory, shop, bakeshop or office building; Inspection at reasonable times.
- (b) require the production of any register, certificate, notice or document required by this Part to be kept, and inspect, examine and copy the same; Require production of registers, etc.
- (c) take with him a constable into a factory, shop, bakeshop or office building in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; Take constable with him.
- (d) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Part are complied with, so far as respects the factory, shop, bakeshop or office building and the persons employed therein; Make examination and enquiry.
- (e) examine either alone or in the presence of any other persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop or office build- Examine persons.



ing, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, shop, bakeshop or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined;

Administer  
oaths.

(f) for the purpose of any investigation, inquiry or examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence;

Exercise  
other  
powers.

(g) exercise such other powers as may be necessary for carrying out the provisions of this Part. R.S.O. 1897, c. 256, s. 30, *part*; c. 257, s. 16.

Owner and  
employer to  
aid in in-  
spection.

(2) The owner and employer and his or their agents and servants, shall furnish all necessary means in his or their power required by the Inspector for any entry, inspection, examination, inquiry, or the exercise of his powers in relation to such factory, shop, bakeshop or office building. R.S.O. 1897, c. 256, s. 30, *part*; c. 257, s. 17.

Obstructing  
Inspector.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the Inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce or who conceals or attempts to conceal, or prevents or attempts to prevent a child, youth, young girl or woman from appearing before or being examined by the Inspector, shall be deemed to obstruct an Inspector in the execution of his duties under this Part.

Penalty.

(4) Where the Inspector is obstructed in the execution of his duties, the person obstructing him shall incur a penalty not exceeding \$30; and where he is so obstructed in a factory, shop, bakeshop or office building, the employer shall incur a penalty not exceeding \$30, or where the offence is committed at night, \$100. R.S.O. 1897, c. 256, s. 30; c. 257, s. 19; 8 Edw. VII. c. 57, s. 2, *part*.

Inspector  
to be fur-  
nished with  
certificate  
and to  
produce  
same if  
demanded.

19. Every Inspector shall be furnished with a certificate of his appointment, under the hand and seal of the Minister, and on applying for admission to any premises shall, if required, produce such certificate. R.S.O. 1897, c. 256, s. 32; c. 257, s. 18.

**20.** The Inspector, whenever he deems it necessary, <sup>Inspector may take</sup> may take with him into any premises a legally qualified <sup>medical practitioner</sup> medical practitioner, medical officer of health, or sanitary <sup>etc., into</sup> Inspector. R.S.O. 1897, c. 256, s. 18. *Amended.* <sup>factory</sup>

**21.**—(1) The Inspector, before entering, in pursuance <sup>Inspector before</sup> of the powers conferred by this Part, without the consent of <sup>entering dwelling</sup> the occupier, any room or place actually used as a dwelling, <sup>without consent of</sup> shall obtain such warrant as is hereinafter mentioned, from a <sup>occupier to obtain</sup> Justice of the Peace. <sup>warrant.</sup>

(2) The Justice, if satisfied by information on oath, that <sup>Issue of</sup> there is reasonable cause to suppose that any provision of this <sup>warrant.</sup> Part is contravened in any such room or place, shall grant a warrant under his hand, authorizing the Inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the provisions of this Part, with respect to obstruction of the Inspector, shall apply. R.S.O. 1897, c. 256, s. 31. *Amended.*

**22.** Where an Inspector is called as a witness, he may, by <sup>When Inspector</sup> the direction and on behalf of the Attorney-General or of <sup>may object</sup> a member of the Executive Council, object to giving evidence <sup>to give evidence.</sup> as to any premises inspected by him in the course of his duty. 5 Edw. VII. c. 13, s. 30.

**23.**—(1) There shall be affixed at the entrance of a fac- <sup>Notice to be</sup> tory, and in such other convenient parts of every factory, <sup>affixed in</sup> shop, bakeshop and office building as the Inspector directs, <sup>factory.</sup> and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed:—

(a) Such notices of the provisions of this Part, and of <sup>Of provisions of Act</sup> any regulations made thereunder as the Inspec- <sup>and regula-</sup> tor deems necessary to enable the persons em- <sup>tions.</sup> ployed to become acquainted with their rights, liabilities and duties under this Part;

(b) A notice of the name and address of the Inspector; <sup>Name and address of Inspector.</sup>

(c) In the case of a factory a notice of the clock (if <sup>Clock by</sup> any) by which the period of employment and <sup>which period</sup> times for meals in the factory are regulated; <sup>of employ-</sup> <sup>ment is reg-</sup> <sup>ulated.</sup>

(d) Every other notice and document, required by this <sup>Other</sup> Part to be so affixed. <sup>notices.</sup>

Penalty.

(2) In the event of a contravention of any provision or requirement of this section, the employer shall incur a penalty not exceeding \$20, and any person who pulls down, alters or defaces any such notice, shall incur a like penalty. R.S.O. 1897, c. 256, s. 34; R.S.O. 1897, c. 257, s. 20.

Notices, etc.,  
and mode  
of service.

**24.**—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent, for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop or office building, of which he is employer.

By deliver-  
ing same.

By mailing.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to the factory, shop, bakeshop or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. R.S.O. 1897, c. 256, s. 36. *Amended.*

## EMPLOYMENT.

### *Children, Youths, Young Girls and Women.*

Child not to  
be employed  
except as in  
sec. 26.

**25.** No child shall be employed in any factory, except in the business of canning or desiccating fruits or vegetables or the work incidental thereto as provided in section 26. R.S.O. 1897, s. 256, s. 3.

Employment  
of children  
in gathering  
and prepar-  
ing fruits  
and vege-  
tables for  
canning  
purposes.

**26.** A child between the ages of twelve and fourteen years and, when employed solely out of doors, a child under twelve years of age may, notwithstanding anything contained in this Part, be employed from the 15th day of June, to the 15th day of September, both inclusive, in such gathering and preparation of fruits or vegetables for canning or desiccating purposes as may be required to be done prior to the operation of cooking or other process requisite in connection with the canning or desiccating of fruits or vegetables. R.S.O. 1897, c. 256, s. 5, *part*; 4 Edw. VII. c. 26, s. 6; 8 Edw. VII. c. 57, s. 3, *part*.

**27.** No person under twelve years of age shall be employed in any shop. R.S.O. 1897, c. 257, s. 6; 8 Edw. VII. c. 58, s. 1, *part*.

Person under twelve not to be employed in shop.

**28.** The Lieutenant-Governor in Council may by proclamation, prohibit the employment of young girls and youths in factories, the work in which he deems dangerous or unwholesome. R.S.O. 1897, c. 256, s. 4.

Prohibiting employment of young girls and youths.

**29.** No child shall be employed in any shop during school hours unless such child shall have furnished to the employer a certificate issued in accordance with the provisions of *The Truancy Act* permitting the absence of the child from school, and such certificate shall be kept on file by the employer and produced, whenever called for by the Inspector. 8 Edw. VII. c. 58, s. 1, *part*.

Children not to be employed in shops during school hours.

9 Edw. VII. c. 92.

**30.**—(1) In any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient and suitable chair or seat for the use of every such young girl or woman, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule, or other intimation, expressed or implied, or by any contrivance, prevent any female employee from using such chair or seat.

Seats to be provided for female employees.

(2) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1897, c. 257, s. 11.

Penalty.

**31.** The place, room or apartment in which a child is employed under the provisions of section 26 shall be separate from any other wherein the cooking or other process in connection with or in the canning or desiccating of fruits or vegetables is carried on. R.S.O. 1897, c. 256, s. 5, *part*.

Where cooking &c., in connection with canning carried on to be separate from factory, etc.

### *Hours of Employment.*

**32.** Except as provided in sections 33, 34 and 35, in a factory or shop—

Extent of employment.

(a) no child, youth, young girl or woman shall be employed for more than ten hours in one day, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on such day of the week as may be arranged, nor shall any such person be so employed for more than sixty hours in any one week. R.S.O. 1897, c. 256, s. 9, par. 1; 8 Edw. VII. c. 57, s. 2. *Redrafted.*

(b)

Hours of labour.

- (b) the hours of labour for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon, in a factory or six o'clock in the afternoon in a shop, unless a special permit in writing is obtained from the Inspector. *See* R.S.O. 1897, c. 257, s. 7 (1); 4 Edw. VII. c. 26, s. 2. *Amended.*

Persons employed.

- (c) no child, youth, young girl or woman who has been previously on any day employed in any factory or shop for the number of hours permitted by this Part, shall, to the knowledge of the employer, be employed on the same day in any other factory or shop, and no such person who has been so employed in a factory or shop for less than such number of hours shall be employed in any other factory or shop on the same day for a longer period than will complete such number of hours. R.S.O. 1897, c. 257, s. 8. *Amended.*

Restriction.

Time for meals.

- (d) The employer shall allow every child, youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. R.S.O. 1897, c. 256, s. 9; c. 257, s. 7, *part.*

Hours of employment from December 14 to 24.

**33.** A child between twelve and fourteen years of age, and a youth, young girl or woman may be employed in a shop between the hours of seven o'clock in the morning and ten o'clock in the afternoon on Saturday and the day next before a statutory holiday, and during the period from the 14th day of December to the 24th day of December, both inclusive, in each year. (*See* R.S.O. 1897, c. 257, s. 7 (2).)

Inspector may grant exemption. In case of accidents.

**34.**—(1) Subject to the Regulations, where

- (a) any accident which prevents the working of a factory happens to the motive power; or

Other occurrence.

- (b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

Customs or exigencies of trade.

- (c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period,

the

the Inspector may, on proof to his satisfaction of such accident, occurrence, custom or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade;

(2) If the Inspector permits such exemption,

Hours of  
employment  
during  
period of  
exemption.

(a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon;

Not before  
6 a.m. and  
after 9 p.m.

(b) the hours of labour for youths, young girls and women shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week;

Not more  
than 12½  
hours a day  
or 72 a week.

(c) such exemption shall not comprise more than thirty-six days, in the whole, in any twelve months; and in reckoning such period of thirty-six days, every day on which the youth, young girl, or woman has been employed overtime shall be taken into account;

Period of  
exemption.

(d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon, not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and

Time for  
additional  
meal during  
period of  
exemption.

(e) in every factory with respect to which any such permission for exemption is given, there shall, in compliance with the provisions of section 23, be affixed a notice specifying the extent and particulars of such exemption. R.S.O. 1897, c. 256, s. 11; 8 Edw. VII. c. 57, s. 2.

Notice of  
particulars  
of exemp-  
tion.

**35.**—(1) Women may be employed to a later hour than half-past six o'clock in the afternoon during the months of July, August, September and October in a factory where the only work or operations carried on relate to and are exclusively such as may be necessary for the canning or desiccating of fruits or vegetables, and the preparation thereof for that purpose.

Employment  
of women  
in factories  
for canning  
or desiccating  
fruit.  
from July  
to October.

Women not to be employed later than 9 p.m. nor more than 20 days.

(2) No woman shall be so employed to a later hour than nine o'clock in the afternoon for more than twenty days in the whole, and in reckoning such twenty days, every day on which she has been so employed to a later hour than nine o'clock in the afternoon shall be counted.

Meals when working overtime.

(3) Where a woman is so employed on any day to a later hour than seven o'clock in the afternoon, she shall, in addition to the hour for the noonday meal provided for by section 32, be allowed not less than forty-five minutes for another meal between five and eight of the clock in the afternoon. R.S.O. 1897, c. 256, s. 10. *Amended.*

Hours of labor for child in canning factory.

**36.** The hours of labour for a child between twelve and fourteen years of age in a canning factory shall be limited to the time between seven o'clock in the forenoon and six o'clock in the afternoon, or such other hours of the day as may be permitted by the Inspector; but no such child shall be allowed to work more than ten hours in any one day. 8 Edw. VII. c. 57, s. 3, *part.*

Particulars to be recorded by employer in case of exemption.

**37.** Where any youth, young girl or woman is employed in any factory for a longer period, or until a later hour than is prescribed by sections 34 and 35, the duration of such employment shall be daily recorded by the employer in a register, Form 3 of Schedule "B," or in such other form as may be prescribed by the Regulations. R.S.O. 1897, c. 256, s. 12; 8 Edw. VII. c. 57, s. 2.

Notice of hours of employment to be affixed in factory.

**38.** Notice of the hours between which children, youths, young girls or women may be employed in a factory shall be in Form 5, Schedule "B," or in such other form as may be prescribed by the Regulations, and shall be signed by the Inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the Inspector requires. R.S.O. 1897, c. 256, s. 13; 8 Edw. VII. c. 57, s. 2.

#### *Meals on Premises.*

Taking meals where manufacturing going on.

**39.** In a factory or shop in which any child, youth, young girl or woman is employed,

(a) if the Inspector so directs in writing, the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on.

(b)



- (b) after being directed by the Inspector in writing so to do, the employer shall, at his own expense, provide a suitable room or place in the factory or shop or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory or shop, no part of the expense of which shall be payable by or chargeable to the wages of the employees. R.S.O. 1897. c. 256, s. 9; c. 257, s. 12; 8 Edw. VII. c. 57, s. 3, *part*. Providing dining and eating rooms.

- (c) no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic, or any other poisonous substance is exposed, or where deleterious fumes, dust or gases are known to be present, and drinking water in any such room shall be taken directly from taps or suitably closed receptacles. *New*. Food not to be taken in room where poisonous substances exposed.

**40.** Where a child, youth, young girl or woman, is employed in a factory or shop in which there is a contravention of any of the provisions of sections 32 to 36, or of any regulation made under section 34, such child, youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. *New*. See R.S.O. 1897, c. 256, s. 9, *part*. Unlawful employment in contravention of ss. 32 to 36.

## HEALTH AND SAFETY.

### *Sanitary Regulations.*

**41.**—(1) The owner of every building used as a factory, shop or office building shall: Conveniences for employees.

- (a) provide a sufficient number and description of privies, earth or water-closets and urinals for the employees of such factory, shop, or office building, including separate sets for the use of male and female employees, with separate approaches thereto, one closet for every 25 persons of each sex employed in the factory, shop or office building, and shall keep at the entrance to such closet a clearly painted sign indicating for which sex the closets are provided; Providing privies and water-closets.
- (b) be responsible for the remedying of any effluvia arising from any drain, or defective plumbing and for any repairs required to keep the building in a safe and habitable condition; Remedying cause of effluvia.

(c)

Supplying  
drinking  
water.

(c) Arrange for a supply of pure drinking water available for each occupier.

Regulations.

(2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper.

Contra-  
vention.

(3) The owner of every factory, shop or office building, who for thirty days, or such extended period as the Inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1, or of the Regulations, after being notified in writing in regard to the same by the Inspector, shall incur a penalty of not more than \$500, and in default of payment shall be liable to imprisonment for any period of not more than twelve months. 4 Edw. VII. c. 26, s. 3. *Amended.*

Penalty.

Contraven-  
tion of regu-  
lations of  
Hydro-  
Electric  
Power Com-  
mission.

**42.** A factory, shop or office building in which a contravention of the regulations made by The Hydro-Electric Power Commission of Ontario under *The Power Commission Act* occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered. *New.*

Sanitary  
regulations.  
Factory or  
shop.

**43.—(1)** The employer of every factory or shop shall:

Effluvia  
from refuse.

(a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;

Privies and  
water-  
closets.

(b) keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and keep closets separated for male and female employees, and provide conveniences to the satisfaction of the Inspector for the employees using them;

Tempera-  
ture.

(c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees; but in no case shall the temperature be less than 60 degrees Fahrenheit unless authorized by the Inspector in writing;

Ventilation.

(d) ventilate the factory or shop in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;

(e)

- (e) not allow over-crowding while work is carried on therein, so as to be injurious to the health of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee; <sup>Overcrowd-  
ing.</sup>
- (f) provide a wash-room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and watertaps which shall be at least eight feet distant from any water-closet or urinal, and also in the case of a foundry shower baths for the employees; and <sup>Wash-  
rooms,,  
drinking  
cups, etc.</sup>
- (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors. <sup>Damp floors.</sup>

(2) The Inspector may require the employer of any factory or shop to provide a sufficient number of spittoons and place the same in different parts of the premises, and keep the same clean. <sup>Spittoons.</sup>

(3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then, subject to the Regulations, the Inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer, who shall be bound so to provide them. <sup>Dust.</sup>

(4) Where grinding, polishing or buffing is carried on in any factory or shop subsection 3 shall apply irrespective of the number of persons employed therein. 1 Edw. VII. c. 36, s. 1, *part*; 4 Edw. VII. c. 26, s. 4, *part*. <sup>Grinding,  
polishing or  
buffing.</sup>

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored, or kept for sale or sold who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition. <sup>Employment  
of persons  
affected  
with  
disease.</sup>  
*New.*

(6) The employer of a factory or shop, who for thirty days refuses or neglects to comply with the requirements of this section, or with the Regulations, after being notified in writing <sup>Contraven-  
tion.</sup>

writing in regard to the same by the Inspector shall incur a penalty of not more than \$500, and in default of payment shall be liable to imprisonment for a period of not more than twelve months. 4 Edw. VII. c. 26, s. 4. *Amended.*

Sanitary regulations.  
Office and office building.

**44.**—(1) Every employer of an office shall:

Office to be kept clean and sanitary.

(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein.

Prevent overcrowding.

(b) not allow overcrowding, so as to be injurious to the health of the persons employed therein;

Provide clean towels, soap and wholesome drinking water.

(c) provide a supply of clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein.

Conveniences.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

Clean and sanitary condition.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control, in a clean and sanitary condition, and so as not to be injurious to the health of persons employed in the building or using or having access to the same.

Penalty.

(4) Every owner or employer, who for thirty days or for such extended period as the Inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the Inspector, shall incur a penalty not exceeding \$500, and in default of payment shall be liable to imprisonment for any period of not more than twelve months. *New.*

Recovery by owner from tenant of expenditures.

**45.** Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it. *New.*

**46.** Where two or more persons occupy or use the same room or premises as a factory, and employ in the aggregate six persons or more, no one of them employing so many as six, such room or premises shall for the purposes of sections 41 and 43 be deemed a factory to which this Part applies. R.S.O. 1897, c. 256, s. 17.

occupying same premises and employing five or more persons.

**47.** Without the written consent of the Inspector no part of a factory shall be kept or used as a bedroom or sleeping place. 3 Edw. VII. c. 7, s. 45, *part, amended.*

Restrictions as to sleeping places.

**48.** The provisions of section 47 shall not apply to a laundry in which not more than five persons are employed. 1 Geo. V. c. 70, s. 4.

When s. not applicable.

**49.** No public laundry work shall be done in a room used for a sleeping or living room, or in a room used for cooking or preparing meals. 1 Geo. V. c. 70, s. 2. *Amended.*

Laundry work not to be done in sleeping or living room.

**50.** The provisions of section 49 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. 1 Geo. V. c. 70, s. 3.

Certain laundresses excepted.

**51.** A stable shall not be kept or used under the same roof as a factory or bakeshop, unless there is between the stable and the factory or bakeshop a sufficient brick or other partition wall approved by the Inspector separating the one from the other. 3 Edw. VII. c. 7, s. 45, *part, Amended.*

Restrictions as to stables.

### *Clothing Manufacturers.*

**52.—(1)** Every person contracting for the manufacture of any garment, article of clothing or wearing apparel or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement, material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with, or to whom any such garment, article or material is so given out, and of the places where the work is to be done.

Register of name and addresses to whom work or material given to be kept.

**(2)** The register shall at all times be open to inspection by the Inspector, and the person required to keep it shall furnish a copy of the register to the Inspector whenever demanded by him. 63 Vic. c. 43, s. 1, *part, Amended.*

Articles altered, etc., to have label attached.

Permission  
to sell by  
the in-  
spector.

(3) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house, without a permit from the Inspector, stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition.

Permit to  
state maxi-  
mum num-  
ber employ-  
ed, and may  
be revoked.

(4) Such permit shall state the maximum number of persons allowed to be employed upon the premises, and shall not be granted until an inspection thereof has been made by the Inspector, and the permit may be revoked by the Inspector at any time, if, in his opinion, the protection of the health of the community, or of those so employed upon the premises, renders such revocation desirable.

Articles in  
unclean or  
unhealthy  
condition to  
be im-  
pounded.

(5) When any such garment or article is found by the Inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local Board of Health, whose duty it shall be to disinfect it, and thereupon remove such label.

Articles to  
be returned  
after being  
disinfected.

(6) The owner of any such garment or article shall be entitled after it has been disinfected, to have the same returned to him upon first paying the expense of such seizure and disinfection.

Inspector  
to report  
unclean or  
unhealthy  
conditions  
to Local  
Board of  
Health.

(7) If the Inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop, or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the facts to the local Board of Health, which shall forthwith make such order as the public health may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved, or in process of manufacture under unclean or unsanitary conditions. 63 V. c. 43, s. 1, *part*.

### *Female Employees—Mode of Wearing Hair.*

Female  
employees—  
regulations  
as to mode  
of wearing  
hair.

**53.**—(1) Young girls and women in a factory shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads, or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting or with the material being handled.

(2)

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. 4 Edw. VII. c. 26, s. 1. Notification.

### *Cleaning Machinery.*

**54.**—(1) A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion. Cleaning machinery in motion.  
Child

(2) A youth, young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion. Youth, young girl or woman.

(3) A child or a young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion. Child or young girl.

(4) A child, youth, young girl, or woman, allowed to clean or work in contravention of this section, shall be deemed to be employed contrary to the provisions of this Part. R.S.O. 1897, c. 256, s. 14. Penalty.

### *Guarding Machinery.*

**55.**—(1) In every factory:

(a) all mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges, and dangerous machinery, shafting, or belting, and all other dangerous structures and places, shall be as far as practicable securely fenced or guarded;

Guarding dangerous places.

(b) no machinery other than steam engines shall be cleaned while in motion, if the Inspector gives written notice to the employer to that effect; R.S.O. 1897, c. 256, s. 20 (1), clauses (a) and (b). *Amended.*

Cleaning machinery.

(c) any matter or thing which the Lieutenant-Governor in Council by regulation requires to be fenced or guarded shall be securely and safely guarded. *New.*

Matters or things required by the regulations to be guarded.

(d) any other matter or thing which the Inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall likewise be securely fenced or guarded to the satisfaction of the Inspector. R.S.O. 1897, c. 256, c. 20 (1), cl. (e). *Amended.*

Notice by inspector.



## Regulations.

(2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1, shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place, in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1, as he may deem necessary for preventing loss of life or personal injury. (*New.*)

Contra-  
vention.

(3) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2), *part.*

Storage of  
coal oil, etc.

**56.**—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or explosives of any kind, or any combustible or inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use, in a building separate from the other parts of the factory or shop, or in a fireproof compartment of the factory or shop, which shall be approved of by the Inspector. 1 Edw. VII. c. 35, s. 2, *part.*

Other in-  
flammable  
material  
and maxi-  
mum dealt  
with by reg-  
ulations.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1, any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the Regulations, which may at any time be in actual use in the factory or shop. *New.*

Contra-  
vention.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2), *part.*

*Boiler Insurance and Inspection.*Boiler insur-  
ance and  
inspection.

**57.**—(1) In a factory, shop or office building no boiler shall be used that is not insured in some boiler insurance company, registered in the Department of Insurance, or that has not been inspected within one year by a competent person who has had charge of a boiler and engine for a period not less than five years, or who holds a certificate as a stationary engineer, and the owner or employer shall, whenever so requested by the Inspector, produce for examination the insurance policy or certificate of inspection. 1 Edw. VII. c. 35, s. 2, *part.*

(2) Every such boiler insurance company shall, annually, on the 30th day of November transmit to the Chief Inspector a report of the boilers in Ontario insured by it, and when an insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector. (*New.*)

Insurance companies to report to chief Inspector.

(3) Whenever the Inspector is of opinion that a boiler in use in any factory, shop or office building is in such a condition or is so located or operated as to be dangerous to life or property, he may by written notice to the owner and employer direct that the use of the boiler shall be discontinued until it has been inspected by some competent person approved by the Inspector, and a certificate has been given by him that the boiler may be safely operated.

Where dangerous, use of to be discontinued.

(4) A factory, shop or office building in which a boiler is used in contravention of the requirements of this section or after such notice from the Inspector and before a certificate has been given as provided by subsection 3, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 20 (2). *Amended.*

Contravention.

### *Elevators and Hoists.*

**58.—(1)** Subject to the Regulations in every factory, shop and office building:

Regulations.

- (a) the openings of the hoistway, hatchway, and well hole used for every power elevator shall, at each floor, including the basement, be provided with and protected by good and sufficient trap doors or self-closing hatches or, in the case of an elevator not operated by hand power, by gates closing automatically, not less than five feet six inches high and which may be made in sections;
- (b) the sides of the shafts on all floors including the basement, not guarded by gates, shall be protected by enclosures at least six feet high, approved by the Inspector;
- (c) where any elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;
- (d) in every case the elevator must be provided with a lock to secure the operating rope;

Elevators and hoists.

(e)

- (e) where an elevator is operated by hand power the gates shall not be less than three feet in height and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the Inspector;
- (f) a sign on which the word "Dangerous," in letters not less than four inches in height is clearly painted, shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside;
- (g) the top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the Inspector. 4 Edw. VII. c. 26. s. 5. *Amended.*
- (h) every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the car or cab will be stopped and held in case of accident to the elevator or to the machinery or appliances connected therewith. R.S.O. 1897, c. 256, s. 20 (1), clause (d).

Regulations  
prescribing  
additional  
require-  
ments

(2) The Lieutenant-Governor in Council may by regulation prescribe such requirements in addition to or in substitution for the requirements of subsection 1, with respect to the use of elevators and hoists in factories, shops or office buildings, or in any class of factories, shops or office buildings. *New.*

Contraven-  
tion.

(3) Every owner or employer who after notice from the Inspector uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty not exceeding \$500, and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months. *New.*

Rights of  
Municipal  
Councils  
preserved.  
3-4 Geo. V.  
c. 43.

(4) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators. *New.*

#### *Fire Prevention and Protection.*

Prevention  
and protec-  
tion from  
fire as re-  
quired  
by Inspector  
under  
regulations.

**59.**—(1) In every factory, shop or office building, there shall be such means of prevention and protection from fire and of extinguishing fire as the Inspector, acting under the Regulations, directs in writing;

(2) In every factory and office building and in every shop in which more than fifteen persons are employed at any time during the year the main inside and outside doors for the use of the employees shall open outwardly, and any door leading to or being the principal or main entrance for employees or leading to any tower stairway or fire-escape shall not be bolted, barred or locked at any time during the ordinary and usual working hours. R.S.O. 1897, c. 256, s. 21 (1), cl. (a) (b). <sup>Main doors to open outwardly.</sup>

(3) The owner of every factory, shop or office building over two storeys in height, and where deemed necessary by the Inspector, the owner of every factory, shop or office building over one storey in height, shall provide one or more systems of fire escape, and shall keep the same in good repair, and to the satisfaction of the Chief Inspector, as follows: <sup>Fire escape appliances.</sup>

(a) a sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms; 1 Edw. VII. c. 35, s. 3; or <sup>Tower stairways and iron doorways.</sup>

(b) a sufficient number of iron or other unflammable fire escapes on the outside of the building, consisting of stairways with railing or if the approval of the Inspector is given in writing then of iron ladders, and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey, including the attic, if the attic is occupied as a workroom, and the stairways shall start at a distance of not more than eight feet from the ground or pavement. 2 Edw. VII. c. 36, s. 1. <sup>Iron or unflammable fire escapes</sup>

(4) The Lieutenant-Governor in Council may make Regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned. <sup>Regulations.</sup>

(5) The owner or proprietor of any factory, shop or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the Regulations made thereunder, shall incur a penalty of not more than \$500, and in default of immediate payment of the same <sup>Penalty.</sup>

shall

shall be liable to imprisonment for a period of not more than twelve months. 1 Edw. VII. c. 35, s. 3.

Contra-  
vention.

(6) A factory, shop or office building in which a contra-vention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered. R.S.O. 1897, c. 256, s. 21 (4).

### *Notice of Accidents, Explosions and Deaths.*

Notice of  
accident to  
to be given  
to inspector.

**60.** Where a fire or accident in any factory, shop or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in writing, Form 6, Schedule "B," shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty not exceeding \$30. R.S.O. 1897, c. 256, s. 22.

Notice of  
explosion.

**61.** Where an explosion occurs in a factory, shop or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer, Form 6, Schedule "B," within twenty-four hours next after the explosion takes place, and if such notice is not so sent, the employer shall incur a penalty not exceeding \$30. R.S.O. 1897, c. 256, s. 23.

Notification  
of death or  
fatal injury.

**62.** Where in a factory, shop or office building any person is killed from any cause or is injured from any cause, in a manner likely to prove fatal, written notice of the accident, Form 6, Schedule "B," shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall incur a penalty not exceeding \$30. R.S.O. 1897, c. 256, s. 24.

### BAKE-SHOPS.

Construc-  
tion, light-  
ing, heating,  
ventilation  
and drain-  
age of bake  
shops.

**63.** Every bake-shop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. R.S.O. 1897, c. 257, s. 35. *Amended.*

**64.**—(1) Every bake-shop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

(2) The washroom, closets and other conveniences shall be separate from the bake-shop and shall be kept clean and in a sanitary condition. R.S.O. 1897, c. 257, s. 36. *Amended.*

**65.**—(1) No bake-shop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bake-shop is situate.

(2) This section shall not apply to any bake-shop established before the passing of this Act. *New.*

**66.** The sleeping places of the employees of every bake-shop shall be separate from the bake-shop, and no person shall sleep in a bake-shop. R.S.O. 1897, c. 257, s. 37. *Amended.*

**67.** Subsection 5 of section 43 and section 70 shall apply to every bake-shop, whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. *New.*

**68.** Every bake-shop, not being a factory or shop to which section 59 applies, shall be provided with proper means and facilities of escape in case of fire, to the satisfaction of the Inspector. R.S.O. 1897, c. 257, s. 38. *Amended.*

**69.** No person shall sell, expose or offer for sale, bread or buns manufactured out of Ontario without the written permission of an Inspector. *New.*

**70.** Except with the written permission of the Inspector, no person shall require, permit or suffer any employee in any bake-shop to work on Sunday, nor for more than twelve hours in any twenty-four hours, computed from the time when the employee commences to work, nor more than sixty hours in any one week, and a copy of such permission shall be posted up in a conspicuous place in the bake-shop. 1 Edw. VII. c. 36, s. 2. *Amended.*

#### BARBER SHOPS.

**71.**—(1) The proprietor of a barber shop shall not:

(a) require, permit or suffer any employee to work therein on Sunday;

(b)

(b) open his barber shop or permit the same to be opened to the public; or

(c) carry on any business or work therein

at any time between the hours of twelve o'clock on Saturday night and twelve o'clock on the following Sunday night.

(2) Every person who contravenes the provisions of subsection 1, shall incur a penalty of not less than \$20, nor more than \$50. 1 Edw. VII. c. 36, s. 3. *Amended.*

#### OFFENCES AND PENALTIES.

Penalty.

Ontario  
Summary  
Convictions  
to apply.

10 Edw. VII.  
c. 37.

**72.**—(1) No person shall keep a factory, shop or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop or office building shall incur a penalty of not more than \$500, recoverable under *The Ontario Summary Convictions Act*, or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months. R.S.O. 1897, c. 256, s. 19.

Enumera-  
tion of acts  
or omissions  
not to affect  
inspection.

(2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs, a factory, shop or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered, shall not restrict or limit the generality of the provisions of subsection 1. (*New.*)

Penalty in  
case of  
false entry,  
etc.

**73.** Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part to be kept or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall incur a penalty of not more than \$100, and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months. R.S.O. 1897, c. 256, s. 37. See also R.S.O. c. 257, s. 22.

Parents of  
child or  
young girl  
employed  
contrary  
to Act  
liable to  
penalty

**74.** The parent of any child, youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent, shall for each offence incur a penalty of not more than \$50. R.S.O. 1897, c. 256, s. 38. *Amended.*



**75.** If any of the provisions of this Part, or of the Regulations, or any directions of the Inspector are contravened, and no other penalty is herein provided for such contravention, the offender shall incur a penalty of not more than \$50. Penalty for contravention of Act where no express penalty provided.  
R.S.O. 1897, c. 256, s. 39.

**76.** Where a child, youth or young girl is, in the opinion of the police magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the child, youth or young girl is not of that age. Onus of proof as to age of child.  
R.S.O. 1897, c. 256, s. 6 (3); c. 257, s. 29.

**77.** Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. Penalty on person committing offence for which employer is liable.  
R.S.O. 1897, c. 256, s. 43; c. 257, s. 27.

**78.** Where the employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proves to the satisfaction of the police magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer, such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. Power of employer to exempt himself from fine on conviction of the actual offender.  
R.S.O. 1897, c. 256, s. 41; c. 257, s. 26.

**79.** Where it appears to the satisfaction of the Inspector that an employer had used all due diligence to enforce the execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders, the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, and not against the employer, and in case of his conviction the employer shall be exempt from any penalty or punishment. Inspector to proceed against actual offender.  
R.S.O. 1897, c. 256, s. 42.  
*Amended.*

**80.** A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence, except where—  
Restraint on cumulative fines.

(a)

(a) the repetition of the offence occurs after an information has been laid for the previous offence; or

(b) the offence is one of employing two or more children, youths, young girls or women, contrary to the provisions of this Part. R.S.O. 1897, c. 256, s. 44; c. 257, s. 30; 8 Edw. VII. c. 57, s. 2.

Application  
of penal-  
ties.

**81.** All penalties in money, recovered under or in pursuance of this Part, shall be paid by the convicting police magistrate or justice, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of Ontario. R.S.O. 1897, c. 256, s. 45; c. 257, s. 31.

Prosecutions  
and  
procedure.

**82.**—(1) All prosecutions under this Part may be brought and heard before a police magistrate or any two justices in and for the county, district or place where the offence was committed; and save where otherwise provided by this Act, *The Ontario Summary Convictions Act* shall apply thereto. R.S.O. 1897, c. 256, s. 46; c. 257, s. 28.

10 Edw. VII.  
c. 57.

Limitation  
of prosecu-  
tions.

(2) The information shall be laid within two months, or where the offence is punishable at discretion by imprisonment within three months after the offence has come to the knowledge of the Inspector, or where the Inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Part within three months after the expiry of the time given by the notice to remedy the same.

Allegation  
as to factory,  
shop or office  
building.

(3) It shall be sufficient to allege that a factory, shop or office building is a factory, shop or office building within the meaning of this Part.

Sufficient to  
state  
name of  
ostensible  
employer.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1897, c. 256, s. 47; c. 257, s. 32. *Amended.*

Limitation  
liability in  
certain  
cases.

**83.** In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part, the liability shall be subject to the limitations contained in *The Workmen's Compensation for Injuries Act*. 3 Edw. VII. c. 7, s. 46; 8 Edw. VII. c. 33, s. 52.

Rev. Stat.  
c. 160.

## PART II.

## MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

84.—(1) In this section and in any by-law passed there-<sup>Interpreta-  
tion.</sup>  
under:

(a) "Shop" shall mean a building or portion of a<sup>Shop.</sup>  
building, booth, stall or place where goods are  
exposed or offered for sale by retail, and barbers'  
shops; but not where the only trade or business  
carried on is that of a licensed hotel or tavern,  
victualling house or refreshment house. R.S.O.  
1897, c. 257, s. 44 (1), *part*; 4 Edw. VII. c. 10,  
s. 61, *amended*.

(b) "Closed" shall mean not open for the serving of  
any customer;

(2) Nothing in this section or in any by-law passed under<sup>Closed.</sup>  
the authority thereof shall render unlawful the continuance  
in a shop after the hour appointed for the closing thereof, of  
any customers who were in the shop immediately before that  
hour, or the serving of such customers during their continu-  
ance therein. R.S.O. 1897, c. 257, s. 44 (1), *part*.

(3) The council of a city, town or village may by by-law<sup>By-law  
determining  
hours of  
closing.</sup>  
require that during the whole or any part or parts of the  
year, all or any class or classes of shops within the municipi-  
pality shall be closed, and remain closed on each or any day  
of the week at and during any time or hours between seven of  
the clock in the afternoon of any day and five of the clock  
in the forenoon of the next following day. R.S.O. 1897, c.  
257, s. 44 (2), *amended*.

(4) If an application is presented to such council, pray-<sup>Council to  
pass by-law  
on applica-  
tion of  
occupiers  
of shops.</sup>  
ing for the passing of a by-law requiring the closing of any  
class of shops situate within the municipality, and the  
council is satisfied that such application is signed  
by not less than three-fourths in number of the  
occupiers of shops within the municipality and belonging to  
the class to which such application relates, the council shall,  
within one month after the presentation of such application,  
pass a by-law giving effect thereto and requiring all shops  
within the municipality, belonging to the class specified in the  
application, to be closed during the period of the year, and  
at the times and hours mentioned in subsection 2, as are  
named in the application. R.S.O. 1897, c. 257, s. 44 (3).

(5) If the application is delivered to the clerk of the<sup>Presenta-  
tion of ap-  
plication.</sup>  
council, it shall be deemed to have been presented to and  
received by the council. R.S.O. 1897, c. 257, s. 44 (5).

(6)

**Powers of township councils.**

(6) The council of every township shall, with respect to any portion of such township, designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated. *New.* (See R.S.O. 1897, c. 257, s. 44 (1), *part*, and (2).)

**Regulations as to form and proof of applications**

(7) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed. R.S.O. 1897, c. 257, s. 44 (4).

**Commencement and publication of by-laws.**

(8) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

**By-laws to be repealed only as provided in subsection 10.**

(9) A council shall not repeal a by-law passed pursuant to subsection 4, except as provided in the next following subsection.

**When by-law may be repealed.**

(10) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law, the council may repeal the by-law, or may repeal the same in so far as it affects such class; but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

**Closing of shops in which several trades are carried on.**

(11) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop. R.S.O. 1897, c. 257, s. 44 (6)-(9).

**Exception as to sales by druggists.**

(12) A pharmaceutical chemist, or druggist, shall not nor shall any occupier of or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing in this subsection shall authorize any person to keep open shop after that hour. R.S.O. 1897, c. 257, s. 44 (10), *amended.*

(13) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on, or in, or about, or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on, or being a passenger on or by any such steamboat or sailing vessel; but nothing in this subsection shall authorize any person to keep open shop after the hour appointed by such by-law for the closing of shops. R.S.O. 1897, c. 257, s. 44 (11).

Supplying  
articles to  
lodgers, etc.

(14) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

Councils  
may pass  
by-laws con-  
taining diff-  
erent provis-  
ions for  
localities.

(15) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed, under the provisions of subsection 4, may not have presented an application for the passing of such by-law, every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class.

By-law in-  
valid as to  
one class  
may be good  
as to others.

(16) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops, shall be upon the person asserting that such application was not so presented.

Burden of  
proof.

(17) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same penalty or punishment as if he were the occupier.

Power of  
occupier to  
exempt him-  
self on con-  
viction of  
actual  
offender.

(18) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender, brought before the Court

Agent or  
servant to  
be liable to  
penalty.

at

at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment. R.S.O. 1897, c. 257, s. 44 (13)-(17).

Application  
of 3-4 Geo.  
V. c. 43, as  
to penalties.

(19) The provisions of *The Municipal Act* as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. *New.*

Repeal.

**85.** Chapters 256 and 257 of the Revised Statutes of Ontario, 1897; chapter 43 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria; chapters 35 and 36 of the Acts passed in the 1st year; chapter 36 of the Acts passed in the 2nd year, sections 45 and 46 of chapter 7 of the Acts passed in the 3rd year; section 61 of chapter 10, and chapter 26 of the Acts passed in the 4th year; section 30 of chapter 13 of the Acts passed in the 5th year; section 52 of chapter 33, and chapters 57 and 58 of the Acts passed in the 8th year of the reign of His late Majesty King Edward the Seventh, and chapter 70 of the Acts passed in the 1st year of the reign of His present Majesty are repealed.

## SCHEDULE A.

## (Section 2.)

Agricultural Implement Facto- ries.	Condensing Cream and Milk Factories.
Apple Evaporator Factories.	Confectionery Factories.
Artificial Flower Factories.	Coopers' Workshops.
Auger Factories.	Cork Factories.
Axle and Spring Factories.	Corset Factories.
Bakehouses and Bakeshops.	Corset and Hoopskirt Steel Fac- tories.
Baking Powder and Yeast Fac- tories.	Cotton Factories.
Barb Wire Factories.	Cutlery Factories.
Barrel Factories.	Distilleries.
Basket Factories.	Domestic Utensils Factories.
Bell Factories.	Dress Shield Factories.
Billiard Table Factories.	Drop Forging Factories.
Bindertwine Factories.	Dye Works.
Bird Cage Factories.	Edge Tool Factories.
Biscuit Factories.	Electric Machinery Factories.
Blacking Factories.	Electrotype Foundries.
Blanket Factories.	Elevator Factories.
Boat and Canoe Factories.	Emery Wheel Factories.
Boiler Factories.	Enamelling Works.
Bolt and Nut Factories.	Envelope Factories.
Book-binding Factories.	Extracts and Essential Oil Fac- tories.
Boot and Shoe Factories.	Excelsior Factories.
Box Factories.	Featherdown Factories.
Brass Foundries.	Felt Factories.
Breweries.	File Works.
Brick Yards.	Fire Works Factories.
Broom Factories.	Flax Mills.
Brush Factories.	Flour Mills.
Buffalo Robe Factories.	Foundries.
Bustle and Hoopskirt Factories.	Fringe and Tassel Factories.
Button Factories.	Fruit Desiccating Factories.
Canning Factories.	Furniture Factories.
Cap Factories.	Furriers' Workshops.
Carpet Factories.	Galvanized and Pressed Iron Work Factories.
Carriage Factories.	Gas and Electric Light Works.
Carriage Goods (iron) Factories.	Glass Works.
Carriage Woodwork Factories.	Glove Factories.
Cartridge Factories.	Glucose Factories.
Car Shops.	Gun and Small Arm Factories.
Cement Works.	Hair Factories.
Cereal Food Factories.	Hair Cloth Factories.
Chain Works.	Hames Factories.
Chamois Factories.	Hammer Factories.
Cheese Box Factories.	Hat Factories.
Chemical Works.	Hinge Factories.
Chewing Gum Factories.	Horn Comb Factories.
Chicle Works.	Hobby Horse Factories.
Child's Carriage Factories.	Hosiery Factories.
Cider Factories.	Iron Bridge Works.
Cigar Factories.	Jams, Jellies and Pickle Works.
Cigar Box Factories.	Jewellery Factories.
Clay Pipe Factories.	Kaoka Factories.
Clock Factories.	Knitting Factories.
Clothing Factories.	Knitting Machine Factories.
Coal-hoisting Plants.	
Coffin Factories.	

Knitting



Knitting Needle Factories.	Rivet Works.
Lace Factories.	Rolling Mills.
Lamp Goods Factories.	Rope Works.
Last Factories.	Rubber Factories.
Laundries.	Saddlery Hardware Factories.
Laundry, Bluing and Washing	Safe Works.
Crystal Factories.	Salt Drying Works.
Lead Pipe and Shot Factories.	Sash and Door Factories.
Leather Goods Factories.	Saw Factories.
Linen, Cotton and Jute Bag Fac-	Saw Mills.
ories.	Scale Works.
Lithographers' Workshops.	Seed-sorting Works.
Lock Factories.	Sewer Pipe Factories.
Locomotive Works.	Sewing Machine Works.
Machine Shops.	Shirt Factories.
Machine Screw Works.	Shoddy Factories.
Mantle Piece Factories.	Shovel Factories.
Marble Works.	Show Case Factories.
Match Factories.	Silk Factories.
Matting Factories.	Silk Ribbon Factories.
Mattress Factories.	Silverware Factories.
Meat-packing Houses.	Skate Works.
Metallic Shingle Factories.	Soap Works.
Mica Works.	Soda Water Factories.
Mill Furnishing Factories.	Spice and Coffee Mills.
Millinery Workshops.	Spoke and Hub Factories.
Mirror Factories.	Spool Factories.
Moccasin Factories.	Stained Glass Factories.
Nail Works.	Starch Factories.
Necktie Works.	Stave Factories.
Oil Mills.	Stay Factories.
Oil Refineries.	Steel Wire Factories.
Oilcloth Factories.	Straw Works.
Organ Factories.	Sugar Refineries.
Organ Reeds Factories.	Suspender Factories.
Ornamental Moulding Factories.	Syrup Factories.
Overgaiter Factories.	Tanneries.
Paint Works.	Tent and Awning Factories.
Paper Bag Factories.	Terra Cotta Works.
Paper Box Factories.	Thread Spooling Factories.
Paper Collar Factories.	Tin Stamping Works.
Paper and Pulp Mills.	Tobacco Factories.
Paraffine Factories.	Toy Factories.
Patent Medicine Factories.	Trunk Factories.
Photographic Supplies Factories.	Tub and Pail Works.
Piano Factories.	Type Foundries.
Piano and Organ Keyboard Fac-	Typewriter Factories.
ories.	Umbrella Works.
Picture Frame Works.	Varnish Works.
Pin Factories.	Velocipedes and Bicycle Factor-
Planing Mills.	ies.
Plated Metal Works.	Veneer Factories.
Polish Factories.	Vinegar Works.
Plush Factories.	Waggon and Sleigh Factories.
Potteries.	Wall Paper Factories.
Printing Ink Factories.	Watch Case Factories.
Printing Offices.	Wax Paper Factories.
Pulp Factories.	Wheel Factories.
Pump Factories.	Whip Factories.
Pumping Stations.	Wholesale Packing Houses.
Quilting Factories.	Window Shade Factories.
Rag-sorting Workshops.	Wire Goods Factories.
Rattan Goods Factories.	Woodenware Factories.
Reaper Knife Factories.	Wood Pulley Factories.
Regalia Factories.	Wood Screw Factories.
Repair Shops.	Woollen Factories.



## FORM 2.

(Section 11.)

## REGISTER OF WOMEN OF 18 YEARS OF AGE AND UPWARDS EMPLOYED IN THIS FACTORY.

Under "The Factory Shop and Office Building Act" the word "Child" means a person under the age of fourteen years; the word "Youth" means a male of fourteen, and under the age of sixteen years; the expression "Young Girl" means a girl of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards, and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of the child, youth or young girl. (See 3-4 Geo. V. c. 60, s. 2, clauses *b*, *l*, *p*, *q* and *r*.)

1	2	3	4	5
Name	Residence	Time of first employment	Nature of employment	REMARKS When a woman ceases to be employed insert in this column opposite her name, "Left."

R.S.O. 1897, c. 256, Sched. B. Form B. 8 Edw. VII.  
c. 57, s. 2.

## FORM 3.

(Section 37.)

REGISTER OF THE CHILDREN, YOUTHS, YOUNG GIRLS AND WOMEN EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER PERIOD THAN IS ALLOWED BY "THE FACTORY, SHOP AND OFFICE BUILDING ACT."

[illegible]

R.S.O. 1897, c. 256, Sched. B, Form C, 8 Edw. VII. c. 57,  
s. 2.

## FORM 4.

(Section 12.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

Factory to which This Register  
Applies.To the Occupier and Employer  
in This Factory.

1. Name (if any) of factory  
Situate in  
Post Office to which letters  
for this factory are to be  
directed.
2. Nature of work carried on.
3. Nature and amount of moving  
power:
  - (a) Steam-engine of about  
indicated horse-power, of  
which horse-power is  
employed in this factory.
  - (b) Water wheel of about  
indicated horse-power, of  
which horse-power is  
employed in this factory.
4. Clock.
5. Name of the occupier and em-  
ployer.

I hereby give you notice that  
the clock named under heading  
No. 4 on this page is the clock  
by which the hours of employ-  
ment and times allowed for  
meals in this factory are to be  
regulated.

Dated this          day of

Inspector.

.....  
(Signature of occupier or agent)

R.S.O. 1897, c. 256, Sched. B, Form D.

## FORM 5.

(Section 33.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

## NOTICE.

It shall not be lawful for a child, youth, young girl or woman to be employed for more than ten hours in one day, nor more than sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

In every factory the employer shall allow every child, youth and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, youths, young girls and women.

Notice of the hours between which children, youths, young girls or women are to be employed shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place, or places, in the factory as the Inspector requires.

In accordance with the foregoing provisions of "The Factory, Shop and Office Building Act," it is hereby notified to all concerned

that

that the hours between which children, youths, young girls and women are to be employed in this factory are as follows:

	FORENOON		AFTERNOON		Total hours each day
	Commence at	Stop at	Commence at	Stop at	
Monday.....	.....	.....	.....	.....	.....
Tuesday.....	.....	.....	.....	.....	.....
Wednesday..	.....	.....	.....	.....	.....
Thursday....	.....	.....	.....	.....	.....
Friday.....	.....	.....	.....	.....	.....
Saturday....	.....	.....	.....	.....	.....

Total of hours for the week.....

Dated this ..... day of .....

(Signature of Employer or Agent.) .....

(Inspector's Signature.) .....

R.S.O. 1897, c. 256, Sched. B, Form E, 1, 8 Edw. VII.  
c. 57, s. 2.

### FORM 6.

(Sections 60-62.)

#### "THE FACTORY, SHOP AND OFFICE BUILDING ACT."

To.....

(Factories Inspector.)

You are hereby notified pursuant to section 60 (or as the case may be) of "The Factory, Shop and Office Building Act," of the happening of an accident in the factory hereunder mentioned, whereof the following are particulars:—

1. Name of person injured (or killed).
2. Factory in which accident happened.
3. Date of accident.
4. Age of person injured (or killed).
5. Residing on ..... street in the ..... of
6. Cause of injury (or death).
7. Extent of injury.
8. Where injured or killed person sent
9. Remarks.

Dated this ..... day of .....

(Signature of Employer or Agent.) .....

R.S.O. 1897, c. 256, Sched. B, Form F.

FORM

## FORM 7.

(Section 16.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

To.....  
 (Factories Inspector.)

Pursuant to section 16 of "The Factory, Shop and Office Building Act," I hereby give notice that I have begun to occupy a factory as undermentioned:

Name under which the business is carried on .....  
 Name of the factory .....  
 Locality of the factory .....  
 Address to which letters are to be addressed .....  
 Nature of the work .....  
 Nature and amount of moving power .....

Dated this                      day of

.....  
 (Occupier or Agent.)

R.S.O. 1897, c. 256, Sched. B, Form L.



## CHAPTER 61.

## An Act respecting Steam Boilers.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as "*The Steam Boiler Act.*"<sup>Short title</sup>  
10 Edw. VII., c. 98, s. 1.

**2.** In this Act and the Regulations,—

Interpre-  
tation.

(a) "Inspector" shall mean an Inspector appointed<sup>"Inspector"</sup> by the Lieutenant-Governor in Council under and for the purposes mentioned in this Act;

(b) "Minister" shall mean the Minister of Public<sup>"Minister."</sup> Works;

(c) "Regulations" shall mean regulations made under<sup>"Regulations."</sup> the authority of this Act by the Lieutenant-Governor in Council;

(d) "Steam Boiler" shall mean and include a boiler<sup>"Steam boiler."</sup> used for generating steam for heating or power purposes, and every part thereof or thing connected therewith, and apparatus and things attached to or used in connection with any such boiler, but not

(i.) A boiler in a private residence, apartment house, office building, church, hotel, or public building used exclusively for heating purposes, and provided with a device approved by the Minister, limiting the pressure carried to fifteen pounds to the square inch, nor

(ii)

- (ii) A portable boiler, rated at 25 horse power or under, or a boiler used exclusively for horticultural or agricultural purposes.

**3.** Upon the recommendation of the Minister of Public Works the Lieutenant-Governor in Council may make regulations,—

- (a) Respecting the construction of steam boilers;
- (b) Prescribing specifications for the construction of steam boilers, including the material to be used, the method and order of construction, the tests to be applied during and after construction;
- (c) For the inspection of every steam boiler during its construction and before it is removed from the place of construction; and
- (d) Generally respecting such other matters as may be deemed proper to secure a uniform standard of strength, safety and efficiency in the construction of steam boilers. 10 Edw. VII. c. 98, s. 3. *Amended.*

When to come into effect.

**4.** The Regulations shall be published in the *Ontario Gazette* and shall come into force and take effect at a date to be named by Proclamation. 10 Edw. VII. c. 98, s. 4.

*Note.—The rules, regulations, etc., were proclaimed on 29th January, 1913, to come into force on 1st July, 1913.*

Appointment of Inspectors.

**5.**—(1) The Lieutenant-Governor in Council may appoint Inspectors of steam boilers for the purposes of this Act and for the enforcement of the Regulations, and may designate one of them to be Chief Boiler Inspector.

Employment of boiler inspection.

(2) The Minister may employ any boiler insurance company registered in the Department of Insurance, or any Inspection Company engaged in the inspection of steam boilers, to make any inspection of steam boilers during their construction, required by the Regulations, and the company making such inspection shall report upon the same within fourteen days thereafter to the Chief Boiler Inspector.

Inspectors not to be agents for machinery.

**6.** No person shall be appointed or shall hold office as Inspector who is directly or indirectly interested in the manufacture or sale of steam boilers or steam machinery.

7. Every Inspector appointed under the provisions of this Act shall, before entering upon the performance of his duties, take and subscribe an oath that he will faithfully and impartially perform the duties of his office.

Oath of office to be taken.

8. For the purpose of seeing that the provisions of this Act, and of the Regulations are complied with, an Inspector may at any reasonable hour enter upon any lands or into any building where any steam boiler is under construction, alteration or repair.

Inspectors may enter premises.

9. Any person interfering with or obstructing any Inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. *New.*

Obstructing Inspector.

10.—(1) An Inspector may by notice in writing require the attendance before him, at a time and place named in the notice, of any person and may examine such person either alone or in the presence of any other persons as he may think fit as to any matter connected with the construction, alteration or repair of a steam boiler or its removal from any place in which it has been constructed, altered or repaired.

Power for Inspector to summon witnesses.

(2) For the purposes of subsection 1 the Inspector may administer an oath to any person to be examined by him.

To administer oath.

(3) Every person who wilfully neglects or refuses to attend before the Inspector after receiving notice so to do, or refuses to be sworn or to give evidence before the Inspector, or to answer any question put to him by the Inspector touching the matters mentioned in Subsection 1, shall incur a penalty of \$25.

Penalty for neglect to attend.

11.—(1) Upon completion of his inspection the Inspector shall issue to the owner or manufacturer of the boiler an inspection certificate; and the owner or manufacturer shall pay the Inspector a fee of \$5 for such inspection and the issue of such certificate.

Inspection certificate.

Fee.

(2) Any owner or manufacturer neglecting or refusing to pay the Inspector such fee shall incur a penalty not exceeding \$20.

Penalty for refusal to pay fee.

12.—(1) Any person who is dissatisfied with the action of an Inspector or with a certificate of inspection issued by him, may within one week after the inspection appeal to the Minister, who may thereupon cause another inspection to be made, by one or more competent inspectors, who shall report to him, and the decision of the Minister shall be final.

Persons may appeal to the Minister.

Expenses,  
how paid.

(2) Any expenses occasioned by the appeal and second inspection shall be paid as determined by the Minister.

Application  
of fees and  
penalties.

**13.** All fees paid and all penalties recovered under this Act or the Regulations shall be paid to the Treasurer of Ontario.

Recovery of  
penalties.

10 Edw.  
VII, c. 37.

**14.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Not to  
apply.

**15.** This Act shall not apply to

(a) A new boiler in the possession of the manufacturer, or of a dealer in steam boilers on the 1st day of July, 1913, nor a boiler under construction on that date; nor

(b) A second hand boiler in the possession of the manufacturer or of a dealer in steam boilers on that date, unless the same is re-built or extensively altered after that date.

10 Edw. VII.  
c. 98 repeal-  
ed.

**16.** Chapter 98 of the Act passed in the 10th year of the reign of His late Majesty King Edward the Seventh is repealed.

## CHAPTER 62.

An Act for the Protection of Neglected and  
Dependent Children.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as *The Children's Protection Act of Ontario*. 8 Edw. VII, c. 59, s. 1. Short title.

**2.—(1)** In this Act,

Interpre-  
tation.

- (a) "Child" shall mean a boy or a girl actually or ap-  
parently under sixteen years of age. "Child."
- (b) "Children's Aid Society" shall mean a society "Child-  
ren's Aid  
Society."  
having among its objects the protection of child-  
ren from cruelty and the care and control of  
neglected children which has been approved by  
the Lieutenant-Governor in Council for the pur-  
poses of this Act; and, in a county or district in  
which there is no Children's Aid Society, shall  
mean the Superintendent.
- (c) "Court of summary jurisdiction" shall mean and "Court of  
summary  
jurisdic-  
tion."  
include a Police Magistrate, a Commissioner  
appointed for the trial of juvenile offenders, or  
two Justices of the Peace.
- (d) "Foster Home" shall mean a home in which a "Foster  
Home."  
neglected child may be placed.
- (e) "Judge" shall mean a Judge or a retired Judge "Judge."  
of the High Court or of a County or District  
Court, or a Police Magistrate, or a Commissioner  
appointed for the trial of juvenile offenders, or  
two Justices of the Peace.

(f)

"Minister."

- (f) "Minister" shall mean the Provincial Secretary or such other member of the Executive Council as may be entrusted by the Lieutenant-Governor with the administration of this Act.

"Municipality."

- (g) "Municipality" shall mean a county or a city or town separated from a county, or a Provisional Judicial District.

"Neglected Child."

- (h) "Neglected Child" shall mean a child who is found begging, receiving alms, thieving in a public place, sleeping at night in the open air, loitering about in a public place after nine o'clock in the evening, associating or dwelling with a thief, drunkard, or vagrant, or is a habitual truant, or a child who by reason of the neglect, drunkenness or other vice of its parents is growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life; or who is found in a house of ill-fame, or known to associate with or be in the company of a reputed prostitute; or an orphan, or an illegitimate child whose mother is unable to maintain it; or who is deserted by its parents; or whose only parent is undergoing imprisonment for crime; or who by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of its parents or either of them is in peril of loss of life, health or morality; or whose home, by reason of neglect, cruelty or depravity, is an unfit place for such child, and "Neglected Children" shall mean two or more of such children.

"Parent."

- (i) "Parent" shall include a guardian and every person who is by law liable to maintain a child.

"Place of safety"

- (j) "Place of safety" shall include a shelter or temporary home established by a Children's Aid Society, or any institution established for the care and protection of children, but not a gaol, prison, police station or lockup.

"Public place."

- (k) "Public Place" shall mean a street, highway, or lane, whether a thoroughfare, or not, and a tavern or other place of public resort, and, generally, any place to which the public have or are permitted to have access.

(l)

- (l) "Superintendent" shall mean the Superintendent<sup>"Superintendent."</sup> of neglected and dependent children. 8 Edw. VII. c. 59, s. 2, *amended*.

3. A Judge or a retired Judge of the High Court Division<sup>Jurisdiction of judges and magistrates.</sup> or of a County or District Court shall have jurisdiction under this Act in any part of Ontario, and a Police Magistrate or a Commissioner, or two Justices, shall have jurisdiction in the county or other locality for which they hold office. 8 Edw. VII. c. 59, s. 3.

#### SUPERINTENDENT OF NEGLECTED CHILDREN.

4. The Lieutenant-Governor in Council may appoint an<sup>Superintendent of neglected and dependent children.</sup> officer to be known as the Superintendent of Neglected and Dependent Children, whose salary shall be paid out of such money as may be appropriated for that purpose by this Legislature; and it shall be his duty,

- (a) To encourage and assist in the establishment of<sup>Duties.</sup> Children's Aid Societies;
- (b) To advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) To see that a record in such form as may be prescribed by the Superintendent is kept by such societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) To direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) To prepare and submit an annual report to the Minister;
- (f) To visit and inspect Industrial Schools and Shelters as may be directed by Departmental Regulations, and report at least twice each year to the Minister on the conditions, management and discipline of each Industrial School with suggestions for their improvement.
- (g) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council. 8 Edw. VII. c. 59, s. 4.



Powers of  
superin-  
tendent.

**5.**—(1) The Superintendent shall have and may exercise all the powers conferred upon a Children's Aid Society, and shall have power to appoint such person as he may see fit to act for him, as occasion may require. 8 Edw. VII. c. 59, s. 5.

#### CHILDREN'S SHELTERS.

Children's  
shelters.

**6.**—(1) For the better protection of neglected children, the corporation of every city or county shall provide one or more places of refuge for such children only, to be known as temporary homes or shelters, and shall assist in the maintenance thereof.

Orphan and  
children's  
homes.

(2) An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family.

Super-  
vision of  
shelters by  
Children's  
Aid Society.

(3) When a Children's Aid Society has been established it shall receive into the temporary home or shelter provided by or at the expense of the municipality all children found to be neglected under this Act and have their supervision and management.

Society  
may hold  
property.

(4) A Children's Aid Society may buy, sell, lease, hold, or otherwise deal with real and personal property for the purposes of the society. (*New.*)

Dissolution  
of societies.

(5) If a society or committee established under this Act ceases to exist or does not hold a meeting for a period of six months the secretary or other officer shall deliver to the Superintendent all books, documents, records, financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work, or make such arrangements for carrying it on as the Minister may approve. 8 Edw. VII. c. 59, s. 6 (4).

#### COUNTY COMMITTEES.

Children's  
Committees.

**7.**—(1) In any electoral district, town or village, there may be established by the Children's Aid Society of the county or by the Superintendent a committee consisting of not less than six persons, at least one half of whom shall, if

practicable

practicable, be women to be known as the "Children's Committee" and the committee and the members thereof shall co-operate with the Superintendent and with the Children's Aid Societies.

(2) The committee, or any member thereof, shall have and may exercise the powers conferred by sections 8 and 9, under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act. 8 Edw. VII. c. 59, s. 7. <sup>Powers of Committee.</sup>

#### APPOINTMENT AS PROBATION OFFICERS.

8. The officers of a Children's Aid Society may act as probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. 8 Edw. VII. c. 59, s. 9. <sup>Society's Agent—Powers. 10 Edw. VII. c. 105.</sup>

#### APPREHENSION OF NEGLECTED CHILDREN.

9.—(1) A constable or a person authorized under section 8 to act as a probation officer or a chief constable or inspector of police may apprehend without warrant and take to a place of safety any neglected child. <sup>Neglected child—Apprehension.</sup>

(2) The child shall be returned to its parents or guardians or be brought before the Judge for examination within one week after apprehension, and the Judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents. <sup>Proceedings before Judge.</sup>

(3) The Judge may compel the attendance of witnesses, and may require the attendance of the Crown Attorney upon such investigation. <sup>Witnesses.</sup>

(4) The parents or person having the actual custody of a child shall be notified of the investigation, and any person may appear on behalf of the child. <sup>Parents, etc., may appear.</sup>

(5) If on such investigation the Judge finds that the child is a neglected child he may order that the child be delivered to a Children's Aid Society, and the Society may send the child to their temporary home or shelter to be kept until placed in a foster home. <sup>Child may be delivered to Society.</sup>

Order to be  
filed with  
Superin-  
tendent  
and Society.

(6) The order shall contain a statement of the facts so far as ascertained, and the municipality liable for maintenance, and shall be filed with the Superintendent, and the Judge shall transmit a certified copy thereof to the Children's Aid Society. 8 Edw. VII. c. 59, s. 10.

Expenses of  
conveyance  
of child.

(7) The expense of conveying a child to any shelter or Industrial School shall be paid by the treasurer of the county, city, separate town or provisional judicial district in which such child is committed, and the person conveying such child shall, when practicable, be an officer of a Children's Aid Society. (*New.*)

Employ-  
ment of  
local con-  
stables.

10 Edw. VII.  
c. 41.

**10.** The Superintendent and any person acting under his authority may call to his aid in the performance of his duties a constable of the locality, and the constable when so called shall be entitled for his services to the same fees as he would be entitled to for like services under *The Administration of Justice Expenses Act*, and the same shall be payable in like manner as the fees of constables are payable under that Act.

Committal  
of deserted  
child to a  
society.

**11.** The Superintendent of any Infants' or Childrens' Home, or other public institution, having the custody of children may bring before the Judge any child who there is cause to believe has been neglected or deserted by its parents and the Judge may make an order committing the child to the care of a Children's Aid Society, under the provisions of this Act. (*New.*)

#### MAINTENANCE OF CHILDREN.

Order for  
mainten-  
ance by  
municipal-  
ity.

**12.—(1)** When committing a child to the custody or control of a Children's Aid Society the Judge shall make an order for the payment, by the corporation of the municipality to which the child belongs, of a reasonable sum, not less than \$2 weekly, for the expense of supporting the child by the society, or in a temporary home, or in a foster home where children are not cared for without compensation.

When under  
temporary  
care of  
society.

(2) A like order may also be made, on the application of a society, for the maintenance of a child while under the temporary care of the society.

Presump-  
tive  
residence  
where child  
last resided  
or was  
taken into  
custody.

(3) For the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody, shall be presumed.

(4) In the case of a child under one year of age the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

Residence of mother, where child under age of one year.

(5) The corporation of a municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipal corporation is liable, shall be entitled to recover the amount so paid from such other corporation. 8 Edw. VII. c. 59, s. 8, *part, amended.*

Recovery from other municipalities.

**13.**—(1) A Judge may order the parent of a child who has been committed to a Children's Aid Society or placed in a foster home to contribute toward the child's maintenance and upon default of payment of the amount ordered to be paid, may order that such parent be imprisoned for any period not exceeding forty days, and such committal shall not affect the right to a further or other order for committal for a subsequent default. (*New.*)

Judge may order parent to contribute.

(2) Nothing in this section shall relieve the municipal corporation from payment when the parent is unable or refuses to contribute. (*New.*)

Municipality not relieved.

(3) At any time after the committal of a child, or its being placed in a foster home, the Children's Aid Society or foster parent may apply to the Judge for an order for the payment of such additional maintenance as to him may seem just.

Additional maintenance.

(4) An order made under section 12, or this section, may be enforced under *The Judges Orders Enforcement Act*. 8 Edw. VII. c. 59, s. 8, *part.*

Enforcing Judges' Order.  
9 Edw. VII. c. 46.

#### TO SELECT FOSTER HOMES.

**14.**—(1) The Children's Aid Society to the care of which a child has been committed, shall be the legal guardian of such child, and it shall be the duty of such society to use diligence in providing a suitable home for such child.

Foster homes.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in accordance with the school law of Ontario for teaching the child some useful occupation, for its kind and proper treatment as a member of the family and for the payment to the society for the benefit of the child of any sum of money that may be provided

Society may place child in home.

vided for in the contract and shall contain a provision reserving the right to withdraw the child from any person having its custody when in the opinion of the society the welfare of the child so requires.

Superintendent may transfer child to Industrial School.

(3) Where the Superintendent is of opinion that a child placed in a foster home, requires special training, he may order such child to be transferred to an Industrial School, or other institution, subject to the inspection of the Inspector, and such transfer shall have the same effect as if made by a Judge. 8 Edw. VII. c. 59, s. 11.

#### PENALTY FOR ILL-TREATMENT.

Ill-treating, neglecting, etc.

**15.** Any person having the care, custody, control or charge of a child, who ill-treats, neglects, abandons, deserts or fails to support such child, shall incur a penalty not exceeding \$100, and shall in lieu of or in addition thereto, be liable to imprisonment, for a term not exceeding one year. 8 Edw. VII. c. 59, s. 20.

Penalty.

#### STREET TRADES.

Street trades.

**16.** No girl under sixteen years of age and no boy under ten years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. (*New.*)

#### CHILDREN OUT AT NIGHT.

Child in public place at night.

**17.—(1)** No child shall loiter in any public place after 9 o'clock in the evening, or be there unless accompanied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child.

To be warned and taken home, or to shelter

(2) A child found in a public place after the hour named in subsection 1 unless so accompanied may be warned to go home by any constable or probation officer or officer of a Children's Aid Society, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home, or to the Children's Shelter.

Penalty for parent.

(3) A parent who permits his child to violate this section shall for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third, or any subsequent offence, \$5. 8 Edw. VII. c. 59, s. 19, *amended.*

## CAUSING CHILDREN TO BE NEGLECTED.

## 18.—(1) Any person who—

Causing  
child to  
beg.

(a) Causes or procures a child to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(b) Causes or procures a child to be in any public place <sup>To perform</sup> for the purpose of singing, playing, or perform- <sup>or sell in</sup> ing for profit, or offering anything for sale <sup>public after</sup> <sup>9 p.m.</sup> between nine o'clock in the evening of one day and seven o'clock of the following morning; or

(c) Subject to the provisions of subsection 2, causes or <sup>To be in</sup> procures any child to be at any time for the <sup>circus, etc.,</sup> purpose of singing, playing or performing for <sup>for purpose</sup> profit or offering anything for sale in any circus <sup>of perform-</sup> or other place of public amusement to which the public are admitted by payment; or

(d) Is guilty of an act or omission which contributes to <sup>Causing</sup> a child being or becoming a neglected child, <sup>child to be</sup> <sup>a neglected</sup> <sup>child.</sup>

shall incur a penalty not exceeding \$100, and in lieu of or <sup>Penalty.</sup> in addition thereto, shall be liable to imprisonment for a term not exceeding one year.

(2) In the case of any entertainment, or series of enter- <sup>Permission</sup> tainments, to take place in premises used for public enter- <sup>for child</sup> tainment, or in any circus or other place of public amuse- <sup>to perform</sup> ment where it is shown that proper provision has been made <sup>in public.</sup> to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions as he may think fit, for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to, or revoked by him.

(3) The municipal council shall assign to some person the <sup>Officer to be</sup> duty of seeing that the restrictions and conditions of any <sup>appointed</sup> license granted under authority of this section are duly com- <sup>to super-</sup> plied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed; and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. 8 Edw. VII. c. 59, s. 21.

## POWER OF SEARCH.

Search for  
neglected  
child.

**19.**—(1) If it appears to a Justice of the Peace, on information laid before him on oath by any person who, in the opinion of the Justice, is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such Justice in a manner likely to cause the child unnecessary suffering, or to be injurious to his health or morals, such Justice may issue a warrant authorizing any person named therein to search for such child, and to take it to and detain it in a place of safety until it can be brought before a Judge, and the Judge before whom the child is brought may cause it to be dealt with as provided for in this Act.

Order for  
apprehen-  
sion.

(2) The Justice may by the same warrant cause any person accused of an offence in respect of the child to be apprehended and brought before a Judge to be dealt with according to law.

Right of  
entry by  
officer.

(3) Any person authorized by the warrant, may enter, if need be, by force, any house, building or other place specified in the warrant, and may remove the child therefrom.

Particular  
description  
not needed.

(4) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe a child by name. 8 Edw. VII. c. 59, s. 22.

## INTERFERING WITH WARDS.

Interfering  
with wards  
of Child-  
ren's Aid  
Society.

**20.**—(1) No person shall

- (a) induce any child to leave the building or premises or custody or control of any Children's Aid Society, immigration society, children's institution or industrial school;
- (b) induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated, adopted or employed;

(c)



(c) induce, or attempt to induce, any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such Children's Aid Society, immigration society, home or asylum, respecting such child; or

(d) detain or harbour such child after demand made by or on behalf of any officer of any such Society or institution for delivery up of such child.

(2) A person who violates the provisions of this section shall incur a penalty not exceeding \$20. 8 Edw. VII. c. 59, s. 23. <sup>Penalty.</sup>

#### JUVENILE OFFENDERS.

**21.**—(1) A child charged with an offence against the laws of Ontario or who is brought before a Judge under any of the provisions of this Act, shall not before trial or examination be confined in a lock-up or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the police court room ordinarily used. <sup>Separate custody of juvenile offenders.</sup>

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination, by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells. <sup>Municipalities to provide same.</sup>

(3) The Judge shall try such child or examine into its case and dispose thereof in premises other than the ordinary police court premises or, where this not practicable, in the private office of the Judge, if he have one, or in some other room in the municipal building. <sup>Children's Courts.</sup>

(4) Where a Children's Aid Society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of; and the Judge may hold the examination into the case of such child in the premises of the society. <sup>Enquiry may take place in premises of Society.</sup>

Trial of  
offence of  
child or  
parent—  
Excluding  
public.

(5) Where a child, or a parent charged with an offence in respect of a child under this Act is being tried the Judge shall exclude from the room or place where such person is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or any Children's Aid Society, and the immediate friends or relatives of the child or parent. 8 Edw. VII. c. 59, s. 24.

#### TO NOTIFY SOCIETY'S AGENT.

Notice of  
complaint  
against  
child to be  
sent to  
Society.

**22.**—(1) Where a complaint is made or pending against a child the police official having charge of the child shall at once cause notice in writing to be given to the executive officer of the Children's Aid Society, if there be one in the county or district, who shall have opportunity allowed him to investigate the charge.

Society's  
officer to  
make  
enquiry.

(2) Upon receiving such notice the officer may enquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the Judge.

Judge may  
order officer  
to take  
charge of  
child.

(3) Where it appears to the Judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the Judge may place such child under the guardianship of the Children's Aid Society, or of an industrial school. 8 Edw. VII. c. 59, s. 25, *re-drafted*.

#### DISPOSAL OF YOUTHFUL OFFENDERS.

Judge may  
hand over  
child to  
home or  
Industrial  
School.

**23.**—(1) The Judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children, or Industrial School, or Children's Aid Society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service, and the transfer shall be as valid as if the managers were the parents of such child.

Interfer-  
ence by  
parent.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed, except by permission in writing of the home, school or society. 8 Edw. VII. c. 59, s. 26.

#### CHILDREN UNDER ARREST.

Child under  
arrest not  
to be in  
company of  
adult  
persons.

**24.** No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement shall

shall secure the exclusion of such child from the society of adult prisoners during its confinement. 8 Edw. VII. c. 59, s. 27.

#### COMMISSIONERS MAY BE APPOINTED.

**25.** The Lieutenant-Governor may appoint Commissioners<sup>Commissioners.</sup> with the powers of Police Magistrates to hear and determine complaints and to enforce any of the provisions of this Act or against juvenile offenders apparently under the age of sixteen years. 8 Edw. VII. c. 59, s. 28.

#### DOUBT AS TO AGE.

**26.** Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the Judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved. 8 Edw. VII. c. 59, s. 29.

#### APPLICATION FOR PRODUCTION OF CHILD.

**27.**—(1) Where a parent applies to a Judge of the High Court Division for an order for the production of a child committed under this Act, and the Judge is of opinion that the parent has neglected or deserted the child, or that he has otherwise so conducted himself that the Judge should refuse to enforce his right to the custody of the child, the Judge may, in his discretion, decline to make the order.

(2) If at the time of the application, the child is being brought up by another person, or has been placed out by a Children's Aid Society, the Judge if he directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

(3) Where a parent has

(a) Abandoned or deserted his child, or

(b) Allowed his child to be brought up by another person at that person's expense, or by a Children's Aid Society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

Child not to be delivered to parent unless fit person.

the Judge shall not make an order for the delivery of the child to the parent unless he satisfies the Judge that having regard to the welfare of the child, he is a fit person to have the custody of the child.

Order as to religious education.

(4) If the Judge is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the Judge shall have power to make such order as he may think fit to secure that the child be brought up in that religion.

Child's wishes to be consulted.

(5) Nothing in this section shall affect the power of the Judge to consult the wishes of the child in determining what order ought to be made, or any right which a child now possesses to exercise its own free choice. 8 Edw. VII. c. 59, s. 13.

#### RELIGION OF CHILD.

Roman Catholic and Protestant child.

**28.**—(1) Notwithstanding anything in this Act, no Protestant child shall be committed to the care of a Roman Catholic Children's Aid Society, or Institution, nor shall a Roman Catholic child be committed to a Protestant Children's Aid Society or Institution, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home.

Where only one Society in municipality.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one Children's Aid Society. 8 Edw. VII. c. 59, s. 30 (1, 2).

#### PENALTIES, HOW RECOVERABLE.

Penalties, how to be recovered.

**29.** The penalties imposed by or under the authority of this Act shall be recoverable and may be enforced under *The Ontario Summary Convictions Act*, and the provisions of that Act shall apply to prosecutions for a violation of this Act.

10 Edw. VII. c. 37.

#### RIGHT OF INSPECTION.

Right of Superintendent to inspect.

**30.** Every society or person to whose care a child is committed under the provisions of this Act, and every person intrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. 8 Edw. VII. c. 59, s. 15.

## JUVENILE IMMIGRATION

**31.**—(1) The Lieutenant-Governor shall authorize any Society or Agent to carry into this Province neglected or dependent children who are not feeble-minded and who before arrival in Ontario are certified by a regularly qualified medical practitioner to be free from disease of any kind, for the purpose of providing foster homes for such children or binding them as apprentices or otherwise. R.S.O. 1897, c. 262, s. 2, *amended*.

(2) Authority to bring such children into the Province shall only be granted on condition that if any such child becomes within five years of his immigration an inmate of a prison, hospital, or other charitable institution where such child is likely to become a permanent charge, the Inspector of Prisons and Public Charities shall notify the Society or Agent under whose auspices the child was brought into the Province in order that such child may be deported. *New.* Conditions of authority.

**32.**—(1) Every such Society or Agent shall keep a record in a register prescribed by the Superintendent for that purpose of the names of all children brought into Ontario, their ages, and such particulars as may be required to indicate the provision made for each child's adoption or apprenticeship; and a copy of the records made by each Society or Agent shall be filed with the Superintendent on the first day of January and July of each year. R.S.O. 1897, c. 262, s. 4, *amended*. Societies to keep records.

(2) Any Society or Agent who knowingly makes, or is a party to the making of or procuring to be made, directly or indirectly, any false return shall incur a penalty of One Thousand Dollars, which can be recovered with costs by action at the suit of the Crown only. *New.* Penalty for false return.

**33.** Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought into the Province by such society or agent, until such child attains the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent specially appointed for that purpose, to be made to each such child at least once in every year, until the child has attained such age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years, shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant. R.S.O. 1897, c. 262, s. 6 (1). Duties of societies and agents as to children brought into Ontario.

... agent or person having the custody of any child or hereafter brought into the Province entitled to send such child to the public school in the municipality or school section in which he resides in the same manner as the child of a ratepayer in the municipality or school section; and every such society, agent or person having custody of any such child shall be subject to *The Truancy Act*, and to the penalties imposed by the said Act in the same manner and to the same extent as any ratepayer. R.S.O. 1897, c. 262, s. 11 (3).

3 Edw. VII.  
c. 92.

Penalty  
for bringing  
children  
into the  
Province  
unlawfully.

**35.** Any society or agent engaging in the work of bringing children to Ontario without an Order in Council permitting them to do so shall on conviction before a magistrate or judge be liable to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months. R.S.O. 1897, c. 262, s. 14, *part*.

Repeal.

**36.** Chapter 59 of the Acts passed in the 8th year of the reign of His late Majesty, King Edward the Seventh, and chapter 61 of the Acts passed in the 2nd year of His present Majesty are repealed.

## CHAPTER 63.

An Act for the Prevention of Accidents by Fire in  
Hotels and other like Buildings.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	Other outside fire escapes, s.
INTERPRETATION, s. 2.	7.
OUTSIDE LADDERS OR STAIRWAYS,	Notice to be posted in rooms,
ss. 3, 4.	s. 8.
RIGHT OF ACTION, OR SET OFF	PENALTY FOR CONTRAVENTION, s.
AGAINST OWNER FOR CONTRA-	9.
VENTION, s. 5.	ENFORCEMENT OF ACT, s. 10.
FIRE ESCAPES, ss. 6-8.	BY-LAW OF MUNICIPAL COUNCIL
In all bedrooms, s. 6.	NOT TO BE AFFECTED, s. 11.
	REPEAL, s. 12.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as *The Prevention of Accidents* Short title  
by *Fire in Hotels Act.* (New.)

2. In this Act,

Interpreta-  
tion.

(a) "Hotel" shall mean and include any inn, tavern, "Hotel."  
public house, or place of refreshment where  
lodgings are let, furnished or provided for the  
public;

(b) "Inspector" shall have the same meaning as in "Inspector."  
*The Liquor License Act*;

(c) "License District" shall have the same meaning "License  
as in *The Liquor License Act.* R.S.O. 1897, c.  
264, s. 1. District."

3.—(1) Every hotel exceeding two storeys in height shall Hotels to  
have outside  
stairways  
or ladder  
above first  
storey.  
have at least one permanent outside stairway or ladder from  
each landing or floor above the first storey and extending to  
at least the first storey.



To be of iron and firmly attached to wall and with hand-rail.

(2) The stairway or ladder shall be built of iron and firmly attached to the wall of the building, and shall be supplied with a hand-rail on each side, and shall be of sufficient strength to sustain a weight of at least one thousand pounds.

Contravention.

(3) It shall be unlawful to carry on the business of a hotelkeeper in any such building unless the provisions of subsections 1 and 2 are complied with. R.S.O. 1897, c. 264, s. 2, (1) part. *Amended.*

Owner to erect and maintain same, and keeper or proprietor to keep same unobstructed.

4. It shall be the duty of the owner of the hotel to erect and maintain such stairway or ladder, and of the keeper or proprietor of the hotel to keep the way or passage to the stairway or ladder at all times unobstructed, and the access to it free. R.S.O. 1897, c. 264, s. 2, (1) part. *Amended.*

Right of action or set-off by keeper, etc., against owner.

5. If by reason of the default of any owner, after reasonable notice requiring him to erect the same, a keeper or proprietor is compelled to erect a ladder or stairway under the provisions of this Act, the keeper or proprietor shall have a right of action or set-off against the owner for all actual necessary and reasonable disbursements made by him by reason of the default of the owner. R.S.O. 1897, c. 264, s. 2, (2).

Fire escapes to be kept in all bed-rooms.

6.—(1) The keeper or proprietor of every hotel shall provide and keep in each sleeping apartment or bed-room above the ground floor, a fire escape for the use of guests occupying the same. R.S.O. 1897, c. 264, s. 3 (1); 9 Edw. VII. c. 26, s. 20.

What deemed a sufficient fire escape.

(2) Such fire escape shall be sufficient if it consists of a rope not less than three-quarters of an inch in thickness, of sufficient length to reach from the room or apartment in which it is kept to the ground below, kept in a coil or other convenient position in the bed-room or apartment, with proper, secure and convenient fastenings or appliances at the outside window or opening to which one end of the rope may be safely secured or fastened. R.S.O. 1897, c. 264, s. 3 (2).

Other outside fire escapes may be approved of by Inspector.

7. If an hotel is provided with outside stationary or other fire escapes, differing from what is herein prescribed, by means of which, in the opinion of the inspector of the license district in which the hotel is situate, a reasonably safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act, so far as relates to all sleeping apartments or bed-rooms from the outside windows

or openings of which there is access to such fire escapes: but the keeper or proprietor of such hotel shall procure a certificate from the inspector, certifying to the sufficiency of such fire escapes; and a copy of the certificate shall be transmitted by the inspector to the clerk of the municipality in which the hotel is situate. R.S.O. 1897, c. 264, s. 4.

8. The keeper or proprietor of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each sleeping apartment or bed-room, also keep posted up therein a notice calling attention to the fire escapes, and containing full directions for the use of the same, as well as a statement of the situation of the outside stairway or ladder and of the means of access to the same. R.S.O. 1897, c. 264, s. 5.

Notice as to fire escapes to be posted in rooms.

9.—(1) If an owner, lessee, keeper or proprietor of any hotel neglects to observe any of the provisions of this Act, he shall incur a penalty for each offence of not less than \$20 or more than \$200, recoverable under *The Ontario Summary Convictions Act*.

Penalty.  
10 Edw. VII. c. 37.

(2) A conviction for any such offence shall not be a bar to a prosecution for a continuance of such neglect subsequent to the conviction, but such continuance shall constitute a new offence. R.S.O. 1897, c. 264, s. 6. *Amended*.

Continuance of neglect to constitute new offence.

10. It shall be the duty of the inspector for the license district in which the hotel is situate to take all necessary proceedings to enforce this Act. R.S.O. 1897, c. 264, s. 7.

Enforcement of Act.

11. Nothing in this Act shall affect any by-law relating to the matters mentioned herein lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law, so far as such by-law imposes additional or more stringent requirements than those imposed by this Act. (*New*) See 1 Geo. V. c. 71, s. 11.

By-law of Municipal Council not to be affected.

12. Chapter 264 of the Revised Statutes of Ontario, 1897, Chapter 44 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, and section 20 of Chapter 26 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh, are repealed.

Repeal.

## CHAPTER 64.

An Act to Preserve the Forests from  
Destruction by Fire

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	APPLICATION OF ONTARIO SUMMARY CONVICTIONS ACT, s. 12.
INTERPRETATION, s. 2.	RIGHTS OF ACTION FOR DAMAGES PRESERVED, s. 13.
PROCLAMATION OF FIRE DISTRICT, s. 3.	APPOINTMENT OF RANGERS FOR LANDS NOT UNDER LICENSE, s. 14.
RESTRICTIONS AS TO STARTING FIRES, s. 4.	APPOINTMENT OF RANGERS FOR LANDS UNDER LICENSE, s. 15.
PRECAUTIONS AS TO FIRES FOR CLEARING LAND, s. 5.	ENFORCING ACT, s. 16.
Fire for cooking, s. 6.	APPOINTMENT OF TIMBER AGENTS, ETC., AS JUSTICES TEMPORARILY, s. 17.
Matches, cigars, fire-arms, s. 7.	MINISTER MAY APPOINT RANGERS ON RAILWAY CONSTRUCTION WORK, s. 18.
ACT TO BE READ TO EMPLOYEES BY SURVEYORS, ETC., s. 8.	REPEAL s. 19.
LOCOMOTIVE ENGINES, MANAGEMENT OF, ss. 9, 10.	
PENALTY, ss. 9 (2), 11, 12.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Forest Fires Prevention Act*.

Interpretation.      **2.** In this Act,

“Minister” shall mean the Minister of Lands, Forests and Mines.

Lt.-Governor may proclaim a fire district.      **3.—(1)** The Lieutenant-Governor in Council may, by proclamation, declare any part of Ontario described in the proclamation a fire district.

Publication      **(2)** Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after pub-

lication

lication be a fire district within the meaning of this Act.  
R.S.O. 1897, c. 267, ss. 1, 2.

(3) The Lieutenant-Governor in Council may by proclamation declare that such part of Ontario shall no longer be a fire district. R.S.O. 1897, c. 267, s. 3.

4. No person shall set out or start, or cause to be set out or started, any fire in or near the woods within any fire district between the 1st day of April and the 1st day of November in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and where a fire is started for any such purpose, the obligations and precautions imposed by this Act shall be observed. R.S.O. 1897, c. 267, s. 4.

Fires not to be started except for certain purposes and in certain periods.

5. Every person who, between the 1st day of April and the first day of November, sets out or starts a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the setting out or starting of such fire, and in the managing of and caring for it after it has been set out or started, in order to prevent the fire from spreading. R.S.O. 1897, c. 267, s. 5.

Precautions to be taken in case of clearing land.

6. Every person who, between the 1st day of April and the 1st day of November, within a fire district sets out or starts a fire in a forest, or at a distance of less than half a mile therefrom, or upon any island, for cooking, obtaining warmth, or for any industrial purpose, shall—

Precautions in case of cooking, etc.

(a) select a locality in the neighbourhood of which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

(b) clear the place in which he is about to set out or start the fire by removing all vegetable matter, dead trees, branches, brush-wood, and dry leaves from the soil within a radius of ten feet from the fire;

(c) exercise and observe every reasonable care and precaution to prevent such fire from spreading and carefully extinguish the same before quitting the place. R.S.O. 1897, c. 267, s. 6.

7. Every person who throws or drops any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who discharges any fire-arm within such fire district, shall

Precautions in cases of matches, burning substances, etc.

be subject to the penalties imposed by this Act if he neglects completely to extinguish, before leaving the spot, the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. R.S.O. 1897, c. 267, s. 7.

Act to be read to employees by heads of surveys, lumberers, etc.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes, within a fire district, shall provide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service. R.S.O. 1897, c. 267, s. 8.

Precautions as to locomotives.

9.—(1) Every locomotive engine used on any railway which passes through any part of a fire district, shall be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engine; and the smoke-stack shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and the netting shall contain in each inch square at least eleven wires each way at right angles to each other. R.S.O. 1897, c. 267, s. 9.

Contravention.

(2) For every contravention of subsection 1 the company or person operating the railway shall incur a penalty of \$100. R.S.O. 1897, c. 267, s. 11, *part*. *Amended*.

Duty of engine drivers

10. Every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district shall see that all such appliances are properly used and applied, so as to prevent as far as practicable the escape of fire from the engine. R.S.O. 1897, c. 267, s. 10.

Penalty.

11. Every person who contravenes any provision of this Act, except those of section 9, shall incur a penalty not exceeding \$50. R.S.O. 1897, c. 267, s. 11, *part*.

Ontario Summary Convictions Act to apply.

12. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. *New*.

Act not to interfere with right of action for damages occasioned by fire.

13. Nothing in this Act shall limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1897, c. 267, s. 15.

14. For the more effectual prevention or suppression of fires on the lands of the Crown not under timber license or other form of authority to cut and remove the timber therefrom, the Minister may appoint such number of persons as he may see fit, to be called fire rangers, who shall be subject to his instructions, and shall be paid for their services out of any money appropriated by this Legislature and voted by the Assembly for that purpose. 63 Vict. c. 45, s. 1, *part*.

15.—(1) Where lands of the Crown are under timber license or other form of authority to cut and remove the timber therefrom, the Minister may appoint such number of fire rangers as the timber licensee or holder of such other form of authority may request, and in the absence of such request where in the opinion of the Minister such appointment is necessary in the public interest and for the carrying out of the purposes of this Act, he may appoint such number of fire rangers as he sees fit; and in such cases the remuneration to be paid such fire rangers and the expenses necessarily incurred by them in the performance of their duties shall be payable by the licensee or holder of such authority, or the Minister may pay the amount of such remuneration and expenses out of any money appropriated by this Legislature and voted by the Assembly for that purpose and may charge the timber licensee or holder of such authority with such amount, which shall be and remain a charge on the timber limit or other area covered by such authority until paid, as fully and effectually as if the same were for unpaid timber dues or ground rent, and in respect of the recovery thereof the Minister shall have all the rights, powers and authority now possessed by him for the recovery of unpaid timber dues or ground rent. 63 Vict. c. 45, s. 1, *part*; 1 Geo. V. c. 17, s. 1.

(2) Where any such licensee or holder is desirous of having fire rangers appointed he shall submit to the Minister a list of persons for such appointment, and should any of such persons in the opinion of the Minister be unfit for the duties of fire ranger, he may refuse to appoint them, or after appointment may discharge them, and may substitute suitable and qualified persons in their place.

(3) Every fire ranger shall have power in cases of danger or emergency to summon such help or assistance for the prevention or suppression of fire as he may deem necessary, and every person so summoned and assisting shall receive such reasonable remuneration for his services as, subject to the approval of the Minister, the fire ranger summoning him may deem proper; and all expenses so incurred and approved

shall be deemed to have been necessarily incurred under the provisions of this Act, and shall be payable in the manner provided by subsection 1.

Other duties  
of fire  
rangers.

(4) The fire rangers shall perform such other duties, receive such wages and be subject to such conditions as may be provided by regulations made by the Lieutenant-Governor in Council. 63 Vict. c. 45, s. 1, *part*.

Govern-  
ment agents  
to enforce  
this Act.

**16.** It shall be the special duty of every Crown land agent, woods and forest agent, free grant agent, bush ranger and fire ranger to enforce the provisions of this Act, and in all cases coming within his knowledge to prosecute every person guilty of a contravention of this Act. R.S.O. 1897, c. 267, s. 14; 63 Vict. c. 45, s. 1, *part*.

Temporary  
appoint-  
ment of  
justices of  
the peace  
for the en-  
forcement  
of this Act.

**17.**—(1) The Lieutenant-Governor in Council may by commission appoint for a limited period any Crown timber agent or wood or fire ranger, a Justice of the Peace for the purpose of taking cognizance of offences against the provisions of this Act, and he shall be a Justice of the Peace in and for every county and district of Ontario, or shall have such other territorial jurisdiction as is specified in his commission.

Powers of  
constable.

(2) The person so appointed may, by writing, under his hand, appoint for a limited period one or more constables for the purposes of this Act, who shall have all the powers, rights and privileges for such purposes of a constable under *The Constables Act*. R.S.O. 1897, c. 267, s. 16. *Amended*.

10 Edw.  
VII., c. 39.

Minister of  
Lands,  
Forests and  
Mines may  
appoint fire  
rangers on  
railway con-  
struction  
work.

**18.** During the construction and after the completion of any railway passing through any of the lands of the Crown, whether under timber license or not, the Minister may appoint as many fire rangers as he may see fit, for the purposes of this Act, whose duty it shall be to enforce the provisions of this Act along and adjacent to the line of such railway, and the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the railway company concerned, payable upon demand of the Minister. 6 Edw. VII. c. 49, s. 1; 8 Edw. VII. c. 61, s. 1.

Repeal.

**19.** Chapter 267 of the Revised Statutes of Ontario, Chapter 45 of the Acts passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, Chapter 49 of the Acts passed in the sixth year, and Chapter 61 of the Acts passed in the eighth year of His late Majesty King Edward the Seventh, and section 1 of Chapter 17 of the Acts passed in the first year of His Majesty's reign, are repealed.



## CHAPTER 65.

An Act to provide Means of Extinguishing  
Fires in Townships*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

BY-LAWS GIVING POWERS, s. 2.

ALLOWANCE FOR WORK DONE AND

PROVISIONS FOR PAYMENT, ss.

3, 4.

PENALTY, s. 5.

REPEAL, s. 6.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as *The Fires Extinguishment* <sup>Short title.</sup>  
*Act.*

**2.**—(1) The council of a county may provide by by-law <sup>By-law of county council giving powers.</sup> that fire guardians, fence-viewers, overseers of highways or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire so as to endanger property, shall order as many of the male inhabitants of such township residing in the vicinity of the place where such fire is, as may be deemed necessary, to repair to the place where such fire prevails, and assist in extinguishing the same, or in stopping its progress.

(2) Where there is no county council, the council of any township may pass such by-law. <sup>By-law of township council.</sup> R.S.O. 1897, c. 269, s. 1.

**3.**—(1) Every such officer shall give to every person employed by him under section 2, a certificate of the number of days' work done by him, and such work shall be allowed to him in his next year's <sup>work done to be allowed for as statute labour.</sup> statute labour, or, if such person is not liable to perform statute labour, or not so many days'

statute labour as the number mentioned in such certificate, the council may direct that such work shall be paid for out of the funds of the municipal corporation, and such person shall be entitled to be paid, by the township treasurer, the amount of such certificate, or the amount not credited on the next year's statute labour, as the case may be.

Application of commutation fund by townships.

(2) The county council may also provide for the application by the township councils of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of fires within their respective municipalities. R.S.O. 1897, c. 269, s. 2.

Upon default of townships, county may provide for payment of work.

4. If a township council neglects to provide for the application of so much of the commutation of statute labour fund, or for payment of such amount as may be required for the purposes mentioned in the next preceding section, the county council may do so, and may pay the amount of such certificates, and impose upon the township so in default a rate sufficient for that purpose, to be levied and collected in the manner provided by *The Assessment Act* for the collection of a county rate. R.S.O. 1897, c. 269, s. 3.

4 Edw., VII. c. 23.

Penalty for refusing to assist in extinguishing fires.

5. Every person who refuses or neglects to turn out and work under any fire guardian, fence-viewer, overseer of highways or pathmaster, who has ordered him to turn out for that purpose, shall incur a penalty not exceeding \$20, recoverable under *The Ontario Summary Convictions Act*. R. S. O. 1897, c. 269, s. 4. *Amended*.

10 Edw. VII. c. 37.

Repeal.

6. Chapter 269 of the Revised Statutes of Ontario, 1897, is repealed.

## CHAPTER 66.

An Act to amend the Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.

*Assented to 6th May, 1913.*

**H**IS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of the Act passed in the Seventh year of the reign of His late Majesty King Edward the VII., Chaptered 47, intituled "*An Act to prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells,*" is amended by adding thereto the following subsections:—

7 Edw. VII.  
c. 47, s. 3,  
amended.

- (2) Subject to section 1 every well which, in the opinion of the inspector appointed under section 8 is not in operation shall be deemed to be an abandoned well within the meaning of this Act. When wells deemed to be abandoned.
- (3) The owner or person in possession or control of any well may, within ten days after receiving notice from the inspector that in his opinion the well is abandoned, appeal to the Mine Assessor appointed under *The Supplementary Revenue Act*, 1907. Appeal from decision of Inspector.  
7 Edw. VII.  
c. 9.
- (4) The owner or other person appealing shall give to the Inspector notice in writing of the appeal. Notice of appeal.
- (5) The decision of the Mine Assessor shall be final and shall not be subject to appeal. Decision of Mine Assessor.

2. Section 5 of the said Act is amended by adding thereto the following subsections:—

7 Edw. VII.  
c. 47, s. 5.  
amended.

- (2) Where the Inspector is of opinion that the casing in any well, whether the well is abandoned or not, is admitting water to such an extent as to injure Stopping leak in or well.

injure adjoining property, he may order the owner or person in possession or control to remove the pump or other obstruction therein, if any, so as to enable him to test the well, and the Inspector may order the owner or other person to stop the leak, if there be one, within the time named by the Inspector.

Proceeding  
of Inspector.

- (3) In case of default in compliance with such order within ten days after service of the same, the Inspector may without further notice proceed to plug the well as provided in subsection 1.

Recovery of  
expenses

- (4) The expenses occasioned by or incidental to such examination and plugging may be recovered in the manner provided by section 6.

Appeal  
from  
Assessor.

- (5) The owner or person in possession or control of the well may before the expiry of the time fixed by the Inspector, appeal from the order to the Mine Assessor as provided in subsection 3 of section 3, and the decision of the Mine Assessor shall be final and shall not be subject to appeal.

## CHAPTER 67.

## An Act respecting Line Fences.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	Enforcing, s. 10.
INTERPRETATION, s. 2.	Registration, s. 11.
DUTY OF ADJOINING OWNERS, s. 3.	APPEAL TO COUNTY JUDGE, s. 12.
PROCEEDINGS IN CASE OF DISPUTE, ss. 4-6.	FEES OF FENCE-VIEWERS, s. 13.
AWARD BY FENCE-VIEWERS: Contents of award, s. 7.	JUDGE'S EXPENSES OF INSPECTION, s. 14.
Depositing, s. 8.	ENFORCING AGREEMENTS, s. 15.
Extending time for making, s. 9.	REMOVAL OF LINE FENCES, s. 16.
	TREES FALLING ON LINE FENCES, s. 17.
	REPEAL, s. 18.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Line Fences' Act*. R.S.O. Short title. 1897, c. 284, s. 1.

**2.—(1)** In this Act:

Interpreta-  
tion:

(a) "Judge" shall mean judge of the county or district "Judge." court.

(b) "Occupied lands" shall not include so much of a "Occupied lot as is unenclosed, although a part of it is enclosed and in actual use and occupation. R.S.O. 1897, c. 284, s. 2 (1). *Amended.*" lands;"

(2) Where, within the meaning of section 4, there is a dispute between owners or occupants of lands situate in different local municipalities,

(a) "Fence-viewers" shall mean two fence-viewers of the "Fence-viewers." municipality in which is situate the land of the owner or occupant notified under clause (a) of section 4, and one fence-viewer of the municipality in which is situate the land of the person giving the notice; except that in case of a disagreement

agreement within the meaning of clause (d) of that section. "Fence-viewers" shall mean fence-viewers from either or both municipalities.

"In which the lands are situate;" "In which the land lies."

- (b) "In which the lands are situate" and "in which the land lies," shall mean in which are situate the lands of the owner or occupant so notified under clause (a) of section 4. R.S.O. 1897, c. 284, s. 2 (2).

Duties of owners of adjoining lands as to fences; Occupied lands.

3.—(1) Owners of adjoining occupied lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall make and keep up and repair the same proportion of a fence to mark such boundary.

Unoccupied lands.

(2) Owners of unoccupied lands which adjoin occupied lands, upon such unoccupied lands becoming occupied, shall be liable to keep up and repair such proportion, and in that respect shall be in the same position as if their lands had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R.S.O. 1897, c. 284, s. 3.

Disputes between owners, how to be settled.

4. Where an owner of land desires fence-viewers to view and arbitrate as to what portion of such fence each owner shall make, keep up and repair or as to the condition of an existing line fence and as to repairs being done to the same:

Notice to owner or occupant of adjoining land.

- (a) Either owner may notify, Form 1, the other owner or the occupant of the land of such other owner that he will, on a day named, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises.

And to fence-viewers.

- (b) The owner so notifying shall also notify, Form 2, the fence-viewers, not less than one week before their services are required.

What to contain.

- (c) The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and the notice to an owner may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat; or, in case of the lands being untenanted, by leaving the notice with any agent of such owner.

(d)

- (d) An owner notified may, within the week, object to any or all the fence-viewers notified, and in case of disagreement a Judge shall name the fence-viewers who are to arbitrate. R.S.O. 1897, c. 284, s. 4; 8 Edw. VII. c. 63, s. 1. When Judge to appoint fence-viewers.

5. An occupant, who is not the owner, so notified, shall immediately notify the owner; and, if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R.S.O. 1897, c. 284, s. 5. Duty and liability of occupants as to notifying owners.

6. The fence-viewers shall examine the premises, and if required by either party shall hear evidence, and may examine the parties and their witnesses on oath. R.S.O. 1897, c. 284, s. 6. Duties and powers of fence-viewers.

7.—(1) The fence-viewers shall make an award, Form 3, signed by any two of them, respecting the matters in dispute, and the award shall specify the locality, quantity, description and the lowest price of the fence awarded to be made, and the time within which the work shall be done, and shall state by which of the parties or in what proportion the costs of the proceedings shall be paid. Award of fence-viewers. Contents.

(2) In making the award, the fence-viewers shall have regard to the nature of the fences in use in the locality, the pecuniary circumstances of the parties and the suitability of the fence to the wants of each of them. Character of fence.

(3) Where, from the formation of the ground, by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the parties, they may locate it either wholly or partly on the land of either of the parties, where it seems to be most convenient; but such location shall not in any way affect the title to the land. Location of fence.

(4) The fence-viewers may employ an Ontario Land Surveyor, and have the locality described by metes and bounds. R.S.O. 1897, c. 284, s. 7. Employment of surveyor.

8. The award shall be deposited in the office of the clerk of the municipality in which the land of the owner who initiated the proceedings is situate, and may be proved by a copy certified by the clerk; and notice in writing of its being made shall be given by the clerk to all parties interested. R.S.O. 1897, c. 284, s. 8; 1 Edw. VII. c. 12, s. 21. *Amended.* Deposit of award. Award may be evidence. Notification of award.

9. A Judge may, on application of either party, extend the time for making the fence as he may deem just. R.S.O. 1897, c. 284, s. 9 (1), *part.* Extending time for making fence.



Award, how enforced.

**10.**—(1) The party desiring to enforce the award shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if it is not obeyed within one month after service of the notice, may do the work which the award directs, and may immediately take proceedings to recover its value and the costs from the owner by action in the Division Court of any division in which any part of the land affected by the award is situate. R.S.O. 1897, c. 284, s. 9 (1), *part*.

Collection of debt and costs as taxes.

(2) Instead of requiring execution to be issued upon the judgment so recovered the party entitled to enforce the same may obtain a certificate from the clerk of the Division Court of the amount due for debt and costs in respect of such judgment, and shall be entitled, upon lodging the same with the Clerk of the municipality, to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected and shall, until so collected or otherwise paid, be a charge upon the lands liable for the payment thereof, and in such case execution shall not thereafter issue on such judgment. R.S.O. 1897, c. 284, s. 9 (2).

Award to be a charge on lands, if registered.

**11.**—(1) The award may be registered in the proper registry or land titles office and when registered shall be a charge upon the land affected by it.

How registered.

(2) Registration may be by deposit of a duplicate of the award or of a copy, verified by affidavit, together with an affidavit of the execution of the award. R.S.O. 1897, c. 284, s. 10. *Amended*.

Appeals.

**12.**—(1) Any person dissatisfied with the award may appeal therefrom to a Judge.

Notice of appeal.

(2) The appellant shall, within one week from the time when he was notified of the award, serve upon the fence-viewers and all parties interested a notice in writing of his intention to appeal, and the notice may be served as other notices mentioned in this Act.

To Clerk.

(3) The appellant shall also deliver a copy of the notice to the Clerk of the Division Court of the division in which the land lies, and the clerk shall immediately notify the Judge of such appeal, and the Judge shall fix a time and place for the hearing of the appeal and shall communicate the same to the clerk, and, if he thinks fit, may order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

(4) The clerk shall notify the fence-viewers and all parties interested of the time and place of hearing, in the manner hereinbefore provided for the service of other notices under this Act. Notice of hearing.

(5) The Judge shall hear and determine the appeal, and may set aside, alter, or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs. Powers of the Judge.

(6) The decision of the Judge shall be final; and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. Decision of Judge to be final.

(7) The practice and procedure on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the division court. R.S.O. 1897, c. 284, s. 11. Procedure.

(8) Where the award affects lands in two or more counties or districts the appeal may be to a judge of the county or district court of the county or district in which any part of the land is situate. *New.* Where land in different counties.

**13.**—(1) Each fence-viewer shall be entitled to \$2 for every day's work under this Act, and an Ontario Land Surveyor and a witness shall be entitled to the same compensation as if subpoenaed in a division court. Fees to fence-viewers, surveyors and witnesses.

(2) The corporation of the municipality shall, at the expiration of the time for appeal, or after appeal, as the case may be, pay to the fence-viewers their fees, and shall, unless the same be forthwith repaid by the person adjudged to pay the same, place the amount upon the collector's roll as a charge against such person, and the same may be collected in the same manner as municipal taxes. R.S.O. 1897, c. 284, s. 12. When to be paid, etc.

**14.**—(1) If the Judge inspects the premises or hears the appeal at a place other than the County or District Town, he shall be entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the same shall be paid. R.S.O. 1897, c. 284, (1); 10 Edw. VII. c. 26, s. 34. Judge's expenses.

Municipality  
to pay  
expenses  
and collect  
amount.

(2) The Judge shall be paid by the corporation of the municipality the amount so fixed, and the same shall be collected in the same manner as is provided in respect to the fence-viewer's fees. R.S.O. 1897, c. 284, s. 13 (2).

Registration  
of agree-  
ments.

15. Any agreement in writing, Form 4, between owners respecting a line fence may be filed or registered and enforced as if it was an award of fence-viewers. R.S.O. 1897, c. 284, s. 14.

Owner of  
division  
fence which  
in part  
encloses an-  
other per-  
son's land  
not to  
remove  
same ex-  
cept upon  
notice, etc.

16.—(1) The owner of the whole or part of a line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence,—(a) without giving at least six months' previous notice of his intention to the owner or occupant of such adjacent enclosure unless such last mentioned owner or occupant, after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided by section 7, or—(b) if such owner or occupant will pay to the owner of such fence or part thereof, such sum as the fence-viewers may award to be paid therefor under section 7.

Provisions  
of this Act  
to apply to  
cases under  
this section.

(2) The provisions of this Act for determining disputes between the owners of adjoining occupied lands, the manner of enforcing awards and appeals therefrom, and the forms and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R.S.O. 1897, c. 284, s. 15.

Provision,  
when a tree  
is thrown  
down across  
a line  
fence.

17.—(1) If any tree is thrown down, by accident or otherwise, across a line fence, or in any way in and upon the land adjoining that upon which such tree stood, causing damage to the crop upon such land or to such fence, the owner or occupant of the land on which such tree stood shall remove the same forthwith, and also forthwith repair the fence, and otherwise make good any damage caused by the falling of the tree.

When in-  
jured party  
may remove  
tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the tree, the injured person may remove the same, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the person liable to pay it.

(3) For the purpose of such removal the owner of the tree may enter into and upon such adjoining land, doing no unnecessary spoil or waste.

Entry to  
remove tree  
not to be a  
trespass,  
etc.

(4) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom shall be binding upon the parties. R.S.O. 1897, c. 284, s. 16.

Fence-  
viewers to  
decide  
disputes.

18. Chapter 284 of the Revised Statutes of Ontario, 1897; section 21 of chapter 12 of the Acts passed in the first year of the reign of His late Majesty King Edward the Seventh; section 1 of chapter 63 of the Acts passed in the eighth year of the same reign, and section 34 of *The Statute Law Amendment Act, 1910*, are repealed.

Repeal.

## SCHEDULE OF FORMS.

### FORM 1.

(Section 4.)

#### NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_ ' Mr. \_\_\_\_\_ ' and  
Mr. \_\_\_\_\_ ' three fence-viewers of this locality, will attend  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at the  
hour of \_\_\_\_\_, to view and arbitrate upon the line fence  
in dispute between our lands, being Lots (or parts of Lots)  
One and Two in the \_\_\_\_\_ Concession of the Township  
of \_\_\_\_\_, in the County of \_\_\_\_\_, 19 \_\_\_\_\_  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

A. B.,

Owner of Lot 1.

To C. D.,  
Owner of Lot 2.

R.S.O. 1897, c. 284, Sched. Form 1.

### FORM 2.

(Section 4.)

#### NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_  
o'clock, a.m., to view and arbitrate on the line fence between my  
land and that of Mr. \_\_\_\_\_, being Lots (or parts of

Lots)

Lots) Nos. *One* and *Two* in the      Concession of the Town-  
 ship of      ' in the County of  
 Dated the      day of      19

A. B.,

Owner of Lot 1.

To

Fence-viewers.

R.S.O. 1897, c. 284, Sched. Form 2.

## FORM 3.

(Section 7.)

## AWARD.

We, the fence-viewers of      (*name of the locality*), having  
 been nominated to view and arbitrate upon the line fence between  
    of (*name and description of owner who notified*)  
 and (*name and description of owner notified*), which fence is to be  
 made and maintained between (*describe land*), and having  
 examined the land and duly acted according to *The Line*  
*Fences Act*, award as follows: That part of the line which  
 commences at      and ends at (*describe the points*) shall be  
 fenced, and the fence maintained by the said      ' and that  
 part thereof which commences at      and ends at  
 (*describe the points*) shall be fenced, and the fence maintained by  
 the said      . The fence shall be of the following descrip-  
 tion (*state the kind of fence, height, material, etc.*), and shall  
 cost at least      per rod. The work shall be commenced  
 within      days, and completed within      days from  
 this date, and the costs shall be paid by (*state by whom to be paid; if*  
*by both, in what proportion*).

Dated the      day of

19

(Signatures of fence-viewers.)

Witnesses

R.S.O. 1897, c. 284, Sched. Form 3.

## FORM 4.

(Section 15.)

## AGREEMENT.

We      and      , owners respectively of Lots (or  
 parts of Lots) *One* and *Two* in the      Concession of the  
 Township of      , in the County of      , do agree that  
 the line fence which divides our lands shall be made and  
 maintained by us as follows: (*follow the same form as award.*)

Dated the      day of

19

(Signatures of Parties.)

Witnesses

R.S.O. 1897, c. 284, Sched. Form 4.

## CHAPTER 68.

## An Act to amend The Ditches and Watercourses Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The Ditches and Watercourses Act* is <sup>2 Geo. V.</sup> amended by adding the following subsections:— <sup>c. 74 s. 16,</sup> <sup>amended.</sup>

(6) The engineer and his assistants, when engaged in the performance of their duties under this Act during or after the examination of the locality, may pass over, measure along, ascertain the bearings of any line, plant stakes, take levels and do such other work as he shall deem necessary for the performance of the said work on the land of any person, doing no unnecessary damage thereto, without being guilty of trespass or otherwise incurring liability. <sup>Powers of engineer.</sup>

(7) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 6 shall incur a penalty not exceeding \$100, recoverable under *The Ontario Summary Convictions Act*. <sup>10 Edw.</sup> <sup>VII. c. 37.</sup> <sup>Penalty.</sup>

## CHAPTER 69.

An Act respecting the Game, Fur-bearing Animals  
and Fisheries of Ontario.*Assented to 6th May, 1913.*

PART I. Interpretation and General Provisions.

PART II. Game.

PART III. Fish.

PART IV. Possession—Sale—Transportation.

PART V. Licenses.

PART VI. Administration.

PART VII. Procedure—Evidence—Penalties.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

## PART I.

## INTERPRETATION AND GENERAL PROVISIONS.

Short title. **1.** This Act may be cited as *The Ontario Game and Fisheries Act*. 7 Edw. VII. c. 49, s. 1.

Application of Act. **2.** This Act and the Regulations shall apply to all game, hunting, shooting, fish, fisheries, fishing, and all rights and matters relating thereto. 7 Edw. VII. c. 49, s. 2.

Interpretation. **3.** In this Act, and in the Regulations:—

"Angling." (1) "Angling" shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, but shall not include set lines.

"Bass." (2) "Bass" shall mean and include the species ordinarily known and described as "large-mouthed bass" and "small-mouthed bass."



(3) "Close season" shall mean the period during which any species of game or fish is protected, by this Act or the Regulations, or by the laws and regulations of the Dominion of Canada.

(4) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the Regulations, or in a lease or license, in and from which fish may be taken, and all nets, plant and appliances used in connection therewith.

(5) "Game" shall mean and include all animals and birds protected by this Act or by the Regulations, and the heads, skins and every part of such animals and birds.

(6) "Lease" shall mean an instrument issued under the authority of this Act and of the Regulations conferring upon the lessee, for purposes of fishing, the rights therein mentioned, subject to the conditions, restrictions and limitations therein and in this Act and the Regulations contained.

(7) "License" shall mean an instrument issued under the authority of this Act and of the Regulations conferring upon the licensee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein and in this Act and the Regulations contained, but no license shall be deemed to be or to operate as a demise or lease.

(8) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act. 7 Edw. VII. c. 49, s. 3 (1), (2), (3 part), (4-8).

(9) "Northern District" shall mean that part of Ontario lying northerly and westerly of the lines of the Canadian Pacific Railway Company described as follows: Commencing where the main line of the railway from Montreal to Toronto enters Ontario, thence following the main line along the southerly extension thereof, now under construction, thence following the line of the railway to the city of Guelph, and thence following the line of the Guelph and Goderich Railway Company to the town of Goderich.

(10) "Open season" shall mean the period during which any species of game or fish is permitted to be hunted, taken, killed, sold or possessed by this Act or the Regulations, or by the laws and regulations of the Dominion of Canada.

(11) "Overseer" shall mean and include a game and fishery overseer and any officer or person authorized to assist in the enforcement of this Act and the Regulations.

"Regulation."

(12) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act.

"Southern District."

(13) "Southern District" shall mean that part of Ontario lying to the south of the Northern District.

"Superintendent."

(14) "Superintendent" shall mean the chief officer in charge of the Game and Fisheries Branch of the Public Service. 7 Edw. VII. c. 49, s. 3 (3 *part*), (9-11); 2 Geo. V. c. 75, s. 2.

Regulations.

4.—(1) The Lieutenant-Governor in Council may make regulations,—

Archives, records, &c.

(a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders in council, documents and accounts in the custody of the Government of the Dominion of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario.

Reports and returns by lessees, &c., &c.

(b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed;

Other provisions.

(c) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the Regulations.

Promulgation.

(2) The Regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated. 7 Edw. VII. c. 49, s. 4.

Administration.

5.—(1) The administration of this Act and of all matters relating to fish and game shall be under the control and direction of the Minister and shall constitute a branch of the Public Service to be known as the Game and Fisheries Branch.

Remuneration of officers, etc.

(2) The remuneration of all officers of the Game and Fisheries Branch and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and of the Regulations, and all expenses incident to the due enforcement thereof, shall be

paid out of such money as may be appropriated for that purpose by this Legislature. 7 Edw. VII. c. 49, s. 5 (1), (2).

6. The grant by patent issued before or after the passing of this Act of the bed of any navigable water, or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted. 7 Edw. VII. c. 49, s. 6.

Exclusive right to fish in navigable waters only by express grant thereof.

7. Save as otherwise provided by this Act, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees and revenue under this Act or of the Regulations or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario. 7 Edw. VII. c. 49, s. 7.

License fees, fines, etc., to be paid to provincial treasurer.

*(As to hunting and fishing in Forest Reserves, see 10 Edw. VII. c. 8, s. 3.)*

*(As to hunting and fishing in Provincial Parks, see 3-4 Geo. V. c. 15, ss. 9-14.)*

## PART II.

### GAME.

#### *Regulations.*

8. The Lieutenant-Governor in Council may make regulations,—

(a) prohibiting for a period of not more than three years at a time the hunting, shooting and sale in Ontario or any part of it of any non-migratory game which may appear to require further protection than is afforded by this Act;

Protection of non-migratory birds.

(b) prohibiting the hunting, shooting or sale of any migratory game which he may deem to be at any time in danger of extinction, for the same period and in the same manner as the same is

Protection of migratory birds in danger of extinction.

at any time forbidden in any two or more of the United States of America, one of such states being New York, Pennsylvania, or Michigan;

Varying close seasons in certain outlying districts.

(c) varying the close season for that part of the territory of Ontario lying north and west of French River, Lake Nipissing and Mattawa River, or any part of such territory;

Forbidding the possession of guns.

(d) prohibiting or regulating the possession of guns, rifles or other firearms in any part of Ontario in which it may appear that it is desirable to take special means to prevent violations of this Act;

Licensing guides.

(e) prohibiting persons assisting hunters or hunting parties from acting as guides except under the authority of a license or permit;

Employment of licensed guides.

(f) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;

Crown game preserves.

(g) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the year, subject to such exception in favour of the residents or settlers as may be deemed reasonable;

Sale for breeding purposes.

(h) for encouraging the propagation of game by authorizing any person owning game and having the same on his property to sell or dispose of it at any time for propagation or stocking purposes;

Exempting Indians or settlers from provisions of Act.

(i) exempting Indians or actual *bona fide* settlers in the northern and northwesterly or other sparsely settled portions of Ontario, whether organized or unorganized, from any of the provisions of this Act, which may be specified in the Order in Council; but not so as to authorize a settler to hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act. 7 Edw. VII. c. 49, s. 9, *amended*.

Aliens and Non-residents.

9. No person not a British subject and no person not residing and domiciled in Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle for hunting purposes except under the authority of a license. 7 Edw. VII. c. 49, s. 10.

*Open*

*Open Seasons.*

**10.**—(1) No person shall hunt, take, kill or destroy—

- (a) any deer, except from the 1st day of November to <sup>Deer.</sup> the 15th day of November, both days inclusive.  
7 Edw. VII. c. 49, s. 11 (1) (a).
- (b) any moose, reindeer or caribou in that part of <sup>Moose, reindeer, and caribou south of</sup> Ontario lying south of the main line of the Canadian Pacific Railway in the town of Mattawa to <sup>C.P.R.</sup> the city of Port Arthur, except from the 1st day of November to the 15th day of November, both days inclusive. 2 Geo. V. c. 75, s. 1 (1).
- (c) any moose, reindeer, or caribou throughout that <sup>Moose, reindeer, and caribou elsewhere.</sup> part of Ontario lying north of the main line of the Canadian Pacific Railway from Mattawa to the Manitoba boundary, and that part of Ontario lying south of the Canadian Pacific Railway from the City of Port Arthur to the Manitoba boundary, except from the 16th day of October to the 15th day of November, both days inclusive.  
7 Edw. VII. c. 49, s. 11 (1) (c); 2 Geo. V. c. 75, s. 1 (2).
- (d) any grouse, pheasants, prairie fowl or partridge, <sup>Grouse, etc.</sup> except from the 15th day of October to the 15th day of November, both days inclusive, but no person shall take or kill more than ten partridges in any one day. 7 Edw. VII. c. 49, s. 11 (1) (d); 10 Edw. VII. c. 101, s. 1 (1); 1 Geo. V. c. 76, s. 4, *part*; 2 Geo. V. c. 75, s. 1 (3);
- (e) any woodcock, except from the 1st day of October <sup>Woodcock.</sup> to the 15th day of November, both days inclusive. 1 Geo. V. c. 76, s. 4, *part*.
- (f) any quail or wild turkey, black or grey squirrel, <sup>Quail and wild turkeys, black and grey squirrels.</sup> except from the 15th day of November to the 1st day of December in any year, both days inclusive. 7 Edw. VII. c. 49, s. 11 (1) (e); 10 Edw. VII. c. 101, s. 1 (2);
- (g) any swan or goose except from the 15th day of <sup>Swans and geese.</sup> September to the 15th day of April in the following year, both days inclusive. 7 Edw. VII. c. 49, s. 11 (1) (f); 10 Edw. VII. c. 101, s. 1 (3);

(h)

Ducks and  
other water-  
fowl.

- (h) duck of any kind or any other waterfowl, snipe, rail, plover, or any other bird known as a shore bird or wader in the Northern District, except from the first day of September to the fifteenth day of December in any year, both days inclusive. 2 Geo. V. c. 75, s. 1 (4), *part*;

Snipe, rail,  
plover, etc.

- (i) duck of any kind or any other waterfowl, snipe, rail, plover, or any other bird known as a shore bird or wader in the Southern District, except from the 15th day of September to the 15th day of December in any year, both days inclusive. 2 Geo. V. c. 75, s. 1 (4), *part*;

Capercaillie.

- (j) capercaillie, before the 15th day of September, 1915, nor thereafter except from the 15th day of September to the 15th day of December, both days inclusive. 7 Edw. VII. c. 49, s. 11 (1) (i); 10 Edw. VII. c. 101, s. 1 (5).

Hares.

- (k) hares, except from the 1st day of October to the 15th day of December, both days inclusive, and except that between the 15th day of December and the 31st day of December in any year, both days inclusive, the wood-hare or cotton-tail rabbit may be taken, killed or destroyed by means of snares, ferrets or any other means than shooting. 7 Edw. VII. c. 49, s. 11 (1) (j); 10 Edw. VII. c. 101, s. 1 (6); 2 Geo. V. c. 75, s. 1 (5);

Cotton-tail  
rabbits.

- (2) Notwithstanding anything in this Act, a wood-hare or cotton-tail rabbit may be taken, killed or destroyed in any manner by the owner, occupant or lessee of any land upon which it causes actual damage to trees or shrubs, or by any member of the family of such owner, occupant or lessee, or by any person holding a written license or permit from such owner, occupant or lessee; and any of these animals killed under this subsection shall be handed over to the nearest officer of the Game and Fisheries Branch for distribution to charitable institutions. 7 Edw. VII. c. 49, s. 11 (2); 10 Edw. VII. c. 101, s. 1 (7).

Special pro-  
vision as to  
shooting  
deer put or  
bred by  
any person  
on his lands.

- (3) Notwithstanding anything in this Act a person who puts or breeds or imports deer upon his own land for the purpose of breeding and preserving the same, and his licensee, may hunt, take or kill any such deer from the 1st day of October to the 15th day of November, both days inclusive,

inclusive, but the onus of proof that the deer were so put or bred shall rest on the person hunting or killing the same. 7 Edw. VII. c. 49, s. 11 (3).

*Beaver, Otter, Muskrats, etc.*

11.—(1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day of November, 1915, and thereafter, between the 1st day of April and the 1st day of November in any year, nor shall any trap, snare, gin or other contrivance be set for them during such periods. Beaver and otter.

(2) No muskrat shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of December, except as provided by the next succeeding subsection, nor shall any trap, snare, gin or other contrivance be set for it during such period; and any such trap, snare, gin or other contrivance so set may be destroyed by any person without his thereby incurring any liability therefor; and this subsection shall apply to Indians in respect of private or leased land. Muskrat.

(3) The close season with respect to muskrat in the electoral districts of Port Arthur, Fort William, Rainy River and Kenora shall be from the first day of May to the first day of March in the year following. Close season for muskrat in certain districts.

(4) No muskrat shall be shot during the month of April, or speared at any time; nor shall any muskrat house be cut, speared, broken or destroyed at any time. Muskrat houses, etc.

(5) Nothing in this section shall apply to any person destroying any of the animals in defence or preservation of his property, or prevent the destruction of muskrats by any means, at any time, in the vicinity of dams, or drainage embankments where there is a probability of injury being caused by them to such dams or drainage embankments. When destruction of muskrats lawful.

(6) The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals. 7 Edw. VII. c. 49, s. 12; 8 Edw. VII. c. 65, s. 2; 10 Edw. VII. c. 101, s. 2. Onus.

(7) No mink shall be hunted, taken or killed or had in possession of any person, between the 1st day of May and the 1st day of November following. Mink.

(8) The Superintendent may at any time by order in writing direct the taking or killing of beaver by an overseer Beaver doing damage.

OR



or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Superintendent, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Superintendent. 7 Edw. VII. c. 49, s. 12; 8 Edw. VII. c. 65, s. 2; 10 Edw. VII. c. 101, s. 2, *varied*; 1 Geo. V. c. 76, ss. 1, 5; 2 Geo. V. c. 75, s. 3.

### *Sunday.*

Hunting on  
Lord's Day.

**12.** No person shall, on the Lord's day, hunt, take, kill or destroy any game, or use any gun or other engine for that purpose. 7 Edw. VII. c. 49, s. 13.

### *Deer.*

License  
necessary  
for hunt-  
ing deer.

**13.—(1)** No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer, or caribou except under the authority of a license.

Cow moose,  
fawns, etc.,  
not to be  
killed.

**(2)** No person shall at any time hunt, kill or take any cow moose, or any moose, reindeer or caribou under the age of one year.

Number of  
deer, etc.,  
which may  
be killed.

**(3)** No person shall during any one year or season kill or take more than one deer, one bull moose, or one bull reindeer or caribou; but this shall not apply to deer which are the private property of any person, and which have been killed or taken by him or by his direction, or with his consent, in or upon his own lands.

Aggregate  
in case of  
a party.

**(4)** Two or more persons hunting together, and holding licenses, may kill an aggregate of not more than one deer for each member of the party.

Dogs at  
large  
during  
season.

**(5)** No owner of any dog, known by the owner to be accustomed to pursue deer, shall permit such dog to run at large during the close season for deer in any locality where deer are usually found.

May  
be killed.

**(6)** Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor. 7 Edw. VII. c. 49, s. 14; 8 Edw. VII. c. 65, s. 3; 10 Edw. VII. c. 101, s. 3. *part.*

*Water Fowl.*

**14.**—(1) No wild duck, goose or other water fowl shall be hunted, taken or killed from a sail boat, yacht or launch propelled by steam or other power. Hunting ducks, etc., from sail-boats.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as sunken punts or batteries, shall be used at any time. Illegal contrivances.

(3) No blinds or decoys for use in hunting duck or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited. 7 Edw. VII. c. 49, s. 15; 8 Edw. VII. c. 65, s. 4; 10 Edw. VII. c. 101, s. 4. Blinds or decoys.

*Poisons, Traps and Contrivances.*

**15.**—(1) No person shall kill or take any game by the use of poison, or a poisonous substance, or expose poison, poisoned bait or other poisoned substance, in any place or locality to which any game or any dog or cattle usually has access. Poisons, use of prohibited.

(2) None of the game animals and game birds, except those mentioned in section 12, shall be trapped or taken by means of traps, nets, snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them, at any time; and if so set, they may be destroyed by any person without incurring any liability for so doing. 7 Edw. VII. c. 49, s. 16. Trapping, snaring, etc.

**16.** No person shall discharge any gun or other fire-arm at any game between sunset and sunrise. 2 Geo. V. c. 75. Shooting at night.

*Shooting for Hire Forbidden.*

**17.** No person shall for hire, gain or reward or hope thereof hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do; but this shall not apply to the *bona fide* employment of any person as guide to accompany a person lawfully hunting or shooting. 7 Edw. VII. c. 49, s. 18. Hired hunters.

*Eggs.*

*Eggs.*

Eggs not to be taken.

**18.** No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time. 7 Edw. VII. c. 49, s. 19.

*Masks and Disguises.*

Masked or armed persons in neighbourhood of preserves.

**19.** Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground, or, in close season, near any place where game is usually found, shall be guilty of an offence against this Act. 7 Edw. VII. c. 49, s. 20.

*Automatic Guns.*

Automatic guns prohibited.

**20.** Subject to the Regulations, no gun of the description known as "automatic" in which the recoil is utilized to reload the gun, shall be used in the killing of game. 7 Edw. VII. c. 49, s. 21.

Persons employed in construction of a railway or public work not to carry guns.

**21.** No person employed in connection with the construction of any railway or public work shall carry or have in possession in the vicinity of such railway or public work, any gun or other fire-arm except as may be authorized by special license.

Special license.

(2) The special license may be subject to such terms as the Minister may direct, and the ordinary hunting license provided for in this Act shall not be deemed to be a license under this section. 7 Edw. VII. c. 49, s. 22.

*Private Preserves—Propagation for Stocking Purposes.*

Protection of private preserves.

**22.**—(1) Where a person has put or bred any kind of game upon his own land for the purpose of breeding and preserving the same, no person knowing it to be such game, shall hunt, shoot, kill or destroy it without the consent in writing of the owner of the land.

Provided.

(2) This section shall not prevent any person from shooting, hunting, taking or killing upon his own land, or upon any land over which he has a right to shoot or hunt any game which he does not know, or has not reason to believe had been so put or bred by some other person upon his own land. 7 Edw. VII. c. 49, s. 24.

*Trespass*

*Trespass in Pursuit of Game.*

**23.**—(1) No person shall, at any time, enter with any sporting implements in his possession, or permit his dog to enter into any growing or standing grain not his own without the permission of the owner, and no person shall at any time hunt, shoot, or with any sporting implement in his possession go upon any enclosed land of another after having had notice not to hunt or shoot thereon.

Entering on  
lands after  
notice not  
to do so.

(2) Every person who contravenes this section shall be guilty of an offence against this Act.

Offence.

(3) An owner or occupant of land may give such notice:

Notice to  
trespassers,  
how given.

(a) verbally or in writing;

(b) by maintaining on or near the boundary of the land intended to be protected, or upon or near the shores of any water covering the same or any part hereof, sign boards to the number of two to each forty acres, at least one foot square, containing a notice in the following form, or to the like effect: "Hunting or shooting forbidden."

(4) Any person who, without authority, puts up, or causes to be put up; any such notice on any land of which he is not the owner, or to the possession of which he is not entitled, or who tears down, removes, injures, defaces, or interferes with any notice lawfully put up, shall be guilty of an offence against this Act.

Unauthor-  
ized putting  
up or inter-  
fering with  
notices  
illegal.

(5) Nothing in this section shall limit or in any way affect the remedy at common law of any such owner or occupant for trespass.

Common  
law rights  
preserved.

(6) For the purposes of this section, land, the boundary line or any part of the boundary line, of which passes through a marsh or swamp, or any land covered with water, or land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall, so far as respects that part of the boundary line which so passes, be deemed to be wholly enclosed within the meaning of this Act, if posts are maintained along such part, at distances which will permit of each being clearly visible from the next post. 7 Edw. VII. c. 49, s. 25; and see 2 Geo. V. c. 17, s. 25 (1).

Marsh  
lands.

## PART III.

## FISH.

Government regulation. **24.**—(1) The Lieutenant-Governor in Council may make Regulations,—

Forbidding fishing except under license. (a) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the Regulations.

Wasteful and destructive fishing. (b) preventing the destruction and improper, wasteful, or excessive taking of fish;

Number and weight of fish. (c) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold;

Frogs. (d) restricting the taking of frogs and setting apart any suitable provincial waters for the cultivation and propagation of frogs.

Non-residents not to fish without license. (2) Except under the authority of a license no person not residing and domiciled in Ontario shall angle in the Provincial waters. 7 Edw. VII. c. 49, s. 26.

Sturgeon. **25.** Except under the authority of a license, no sturgeon shall be caught, taken or killed by any means. 7 Edw. VII. c. 49, s. 27.

Taking spawn, etc., for breeding purposes. **26.** Except as authorized by special license, no fish or spawn shall be taken in any manner or at any time from provincial waters for the purpose of stocking, artificial breeding, or for scientific purposes. 7 Edw. VII. c. 49, s. 28.

Regulations as to Nepigon waters. **27.**—(1) Except under the authority of a license, no one shall fish in the waters of Lake Nepigon or the River Nepigon, in the District of Thunder Bay, or in any tributaries of such lake or river.

Indian and other guides. (2) This section and the conditions applicable to licenses authorizing such fishing shall apply to Indians as well as to

all other guides, boatmen, canoemen, camp assistants or helpers of any kind of a fishing party or person holding any such license. 7 Edw. VII. c. 49, s. 29.

**28.** The Superintendent may authorize to be set apart and to be leased, any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart, or used without the written permission of an overseer or of the lessee, or uses therein a fishing light, or other like implement for fishing or fishes therein, during the period for which the waters are so set apart, shall be guilty of an offence against this Act. 7 Edw. VII. c. 49, s. 30.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

**29.**—(1) No person shall without the permission of the owner or lessee fish or employ or induce any other person to fish or assist in fishing in that portion of a pond, stream or other water in which fish are lawfully cultivated, owned and maintained, by an owner or lessee, or remove or carry away or employ, induce or assist any other person to remove or carry away any fish therefrom.

Trespassing in private waters.

(2) Every person who contravenes the provisions of this section shall incur a penalty of not less than \$5, and not more than \$20, and \$1 for each fish taken; and any net, article, apparatus or appliance used contrary to the provisions of this section may be seized on view by any overseer or by the owner or lessee, to be afterwards dealt with according to law. R.S.O. 1897, c. 288, s. 24, and 7 Edw. VII. c. 49, s. 38, *part, redrafted.*

Penalty.

**30.** Every net shall have the name of the owner legibly marked on two pieces of metal or wood attached to it; and the marks shall be preserved on such nets during the fishing season, so as to be visible without taking up the net; and any net used without such marks shall be liable to confiscation. 7 Edw. VII. c. 49, s. 31.

Nets to be marked with name of owners.

**31.** Where a fishery is in the charge of any person, other than the owner, either as occupant or servant, and any of the provisions of this Act are contravened by any such person or by any owner they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect of the contravention. 7 Edw. VII. c. 49, s. 32.

Liability for acts of occupants or servants.

Transfer  
of lease.

**32.** A lessee shall not have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without the written consent of the Superintendent. 7 Edw. VII. c. 49, s. 33.

Lessee not  
entitled to  
compensa-  
tion in case  
of deficiency.

**33.** If, in consequence of incorrectness of survey, or other error or from any other cause, a lease comprises land included in a lease of a prior date, the lease last granted shall be void in so far as it interferes or purports to interfere with that previously granted, but the lessee shall have no claim for indemnity or compensation. 7 Edw. VII. c. 49, s. 34.

Rights of  
passage.

**34.** Every lease shall be deemed to have been granted subject to the right of passage to and from any water in favour of the occupants, under title from the Crown, of the land in rear of those included in the lease, whether so expressed therein or not. 7 Edw. VII. c. 49, s. 35.

Disputes,  
adjustment  
of.

**35.** Disputes between persons relative to fishing limits or claims to fishery locations or stations or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer, subject to appeal to the Superintendent. 7 Edw. VII. c. 49, s. 36.

Rights of  
lessee  
against  
trespasser.

**36.** A lease shall, as against trespassers, entitle the lessee to all the rights of an owner in fee simple of the land. 7 Edw. VII. c. 49, s. 37 (1).

Liability of  
trespassers.

**37.—**(1) Every person not authorized by law so to do, who enters upon or passes over any fishery, or any land described in a lease, without permission of the owner or lessee, shall be deemed a trespasser, and shall be liable to all the penalties by law provided, and to pay all damages which the owner or lessee is entitled to recover, and shall in addition be guilty of an offence against this Act.

Rights of  
holders of  
timber  
license,  
navigation,  
etc.

(2) This section shall not apply to a person entering upon or passing over such land in discharge of any duty imposed by law, or, when the land is included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; or prevent the owner or occupier of land bordering on any waters using a general right of passage to and from such waters, or prevent the public use of any waters or the banks thereof for the conveyance of timber or lumber, or for the free navigation thereof by vessels, boats or other craft; or any user under license by the Crown of any such land or waters for any purpose or occupation not inconsistent with the provisions of this Act. 7 Edw. VII. c. 49, s. 37 (2), (3).



**38.** The occupation of fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. <sup>Lease for net-fishing, not to prevent angling.</sup> 7 Edw. VII. c. 49, s. 38, *part*.

## PART IV.

### POSSESSION—SALE—TRANSPORTATION.

**39.** The Lieutenant-Governor in Council may make Regulations,—

- (a) prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, speckled trout, bass and maskilonge; <sup>Sale of snipe, quail, woodcock, partridge and certain fish.</sup>
- (b) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured; and <sup>Sale of imported game if lawfully procured.</sup>
- (c) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season. <sup>Possession, etc., of fish in close season.</sup> 7 Edw. VII. c. 49, s. 39.

**40.—(1)** During the close season no person shall have in his possession, or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, or any fish except that <sup>Possession of game and fish in close season.</sup>

- (a) game lawfully killed or procured may be kept during the period between the end of the open season in any year and the 16th day of January in the following year; and
- (b) skins of moose, deer, caribou and fur-bearing animals may be had in possession during the close season under the authority of a license issued not later than ten days after the end of the open season, and specifying the number and description of such skins.

(2) Except as expressly authorized by license, no person other than the actual owner for the use of himself and family, shall keep game in cold storage during the season in which <sup>Cold storage in open season.</sup>

which the same may be so lawfully possessed. 7 Edw. VII. c. 49, s. 40; 8 Edw. VII. c. 65, s. 5.

**Exception.**

(3) This section shall not apply to game animals, bred or *bona fide* procured for breeding purposes by persons *bona fide* engaged in the business of breeding game animals; and notwithstanding anything contained in this Act, such persons may at all times have in their possession such animals or any part thereof.

**Dealing in game without license.**

**41.**—(1) Except as expressly authorized by license, and as in this section expressly provided, no person shall, by himself, his servant, clerk or agent, buy, sell or expose or keep for sale, or directly or indirectly, on any pretence or device, for any valuable consideration, barter, give or obtain, to or from any other person, any game, wherever killed or procured; but the person who has actually and lawfully hunted, taken and killed any game may sell the same, or any part thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any game which such person or licensee is at the time of sale authorized to sell under the provisions of this Act.

**Unlawful supplying of game and fish in hotels, clubs, etc.**

**Supplying game at meals under pretended name.**

(2) Except as expressly authorized by license, no hotel, restaurant or club shall during the close season supply for or as a part of any meal for which a charge is made, any game, wherever killed or procured, or any fish contrary to the prohibition of any law or regulation.

**Inspection to be facilitated.**

(3) It shall be an additional offence against this Act, punishable by a penalty of not less than the maximum penalty which would be otherwise applicable, unlawfully to supply at any hotel, restaurant or club, for, or as part of, a meal, any game or fish under any pretended name, or under the designation of anything which might at the time be lawfully supplied. 7 Edw. VII. c. 49, s. 41.

**Permit to buy and sell live game animals and skins.**

(4) The Minister may grant to any person engaged *bona fide* in the business of breeding game animals, a permit to buy and sell live game animals bred or procured *bona fide* for breeding purposes and to sell the skins of any such animals, and notwithstanding anything in this Act the holder of the permit may at any time buy or sell live game animals so bred or procured, and sell the skins of any such animal, and it shall be lawful to buy from him any such live game animal or skin.

**Powers of officers as to entering and inspection.**

**42.** Every railway and express company and every other common carrier, every person engaged in the business of cold storage, or of purveying or dealing in game or fish, or of lumbering, or in charge of any camp near any fishery or near

any

any place in which game is usually found, every person fishing or in charge of any fishery, and every person holding any lease or license, shall, upon request, permit the Superintendent or any inspector, warden, overseer or other officer to enter, and inspect any car, building, premises or enclosure, and to open any receptacle for the purpose of examining all game and fish taken and all implements and appliances for hunting and fishing and for the purpose of searching for game or fish illegally killed or procured, and to inspect any book, invoice, or document containing any entry or memorandum relating to game or fish which the officer suspects to be illegally killed or possessed, and shall afford him all reasonable facilities for any such search, and in case of refusal the officer may, without a search warrant, break such locks and fastenings as may be necessary in order to make such examination. 7 Edw. VII. c. 49, s. 42.

**43.**—(1) No railway or express company, or other common carrier, and no other person shall transport or receive, or have in possession in Ontario any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same, together with an affidavit of the shipper that the same was lawfully hunted or taken. Prohibition against transporting without shipping coupons, and affidavit.

(2) No railway or express company, or other common carrier, and no other person, shall transport, or receive or have in possession for that purpose in Ontario any game during the close season or in the open season after the expiry of the shipping coupon attached thereto, unless there is attached thereto, in addition to a shipping coupon, an affidavit of the shipper that the same was lawfully hunted and taken. Game.

(3) The preceding two subsections shall not prevent the transportation of game if accompanied by an affidavit that the same was lawfully killed in some other part of Canada. Game killed in other provinces.

(4) No railway or express company or other common carrier or other person shall ship or transport out of Ontario or shall receive or have in possession for the purpose of shipping or transporting out of Ontario any salmon trout, lake trout or white fish weighing less than two pounds undressed, taken or caught in Provincial waters. Weight of fish not to be transported.

(5) No railway or express company or other common carrier or other person shall receive or have in possession or shall ship or transport to any point or place any fish caught or killed within Ontario at a time or in a manner prohibited by law. 7 Edw. VII. c. 49, s. 43. Transporting fish caught.

Particulars  
to be  
marked on  
parcels of  
fish or  
game.

**44.**—(1) All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is packed for transportation, shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, and in either case shall be marked or labelled with the names and addresses of the consignee and consignor;

Default to  
be an  
offence.

(2) In case of failure to comply with the provisions of this section, the owner, consignor or person actually shipping or claiming any such receptacle shall be guilty of an offence against this section. 7 Edw. VII. c. 49, s. 44.

Exporting  
deer, etc.,  
by holders  
of non-  
resident  
licenses.

**45.**—(1) A non-resident entitled to hunt or shoot in Ontario by virtue of a license under this Act, may export out of the Province in any one open season game actually and lawfully killed by him, as follows: one deer, one bull moose, reindeer or caribou, 100 ducks.

Shipping  
coupon to be  
attached.

(2) The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it or containing any ducks, and such person shall, if required by the Superintendent or by an inspector, warden or overseer, make a statutory declaration of the fact that such game was lawfully killed by him.

Export,  
when pro-  
hibited.

(3) Except as provided by this section, no person shall at any time export from Ontario, or with intent to do so hunt, take or kill any game, except deer, moose, elk, reindeer or caribou which are not wild but are private property of and have been killed or taken by the owner or with his consent or by his direction in and upon his own land. 7 Edw. VII. c. 49, s. 45; 10 Edw. VII. c. 101, s. 5, *amended*.

## PART V.

### LICENSES.

Regulations.

**46.** The Lieutenant-Governor in Council may make Regulations,—

Terms of  
license.

(a) governing the issue of licenses and permits prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof;

Special  
license to  
guest of  
resident.

(b) for granting without fee a special license to enable a guest of a resident of Ontario to hunt and shoot therein for a term not exceeding one week;

(c)

- (c) for reducing the fee for a non-resident hunting license to a resident of any other Province of Canada by providing that such license may be issued upon the same terms and conditions upon which a similar license is issued under the law of such other Province to a resident of Ontario. <sup>Reduced fee to residents of other province.</sup>  
 7 Edw. VII. c. 49, s. 46.

47.—(1) No license shall be issued or permit granted to any person convicted of any offence against this Act within two years next preceding the date of application for such license or to any person employing a person so convicted. <sup>Not to be issued to convicted persons.</sup>

(2) A license shall not be transferable, and every person who buys, sells, exchanges, or in any way becomes a party to the transfer of any license, or shipping coupon, or in any way uses or attempts to use, a license or coupon issued to any other person shall be guilty of an offence against this Act. <sup>Illegal transfer.</sup>

(3) A license may be cancelled by the Superintendent subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention. <sup>Cancellation.</sup>

(4) A conviction for any offence against this Act shall operate as a cancellation of every license held by the person convicted. <sup>Conviction to act as cancellation.</sup>

(5) The issue of a license shall be in the discretion of the Superintendent, subject to appeal to the Minister. 7 Edw. VII. c. 49, s. 47, *amended*. <sup>Issue of license to be discretionary.</sup>

48.—(1) A license may be issued to:—

<sup>Hunting licenses.</sup>

- (a) a person not resident in Ontario to carry guns, rifles and fire-arms and to hunt and shoot, and the fee for such license shall not exceed \$50; <sup>To non-residents.</sup>
- (b) a resident of Ontario to hunt deer, and the fee for such license shall be \$2; <sup>To residents, deer.</sup>
- (c) a resident of Ontario to hunt moose, reindeer or caribou, and the fee for such license shall be \$5; <sup>To residents for moose, reindeer or caribou.</sup>  
 7 Edw. VII. c. 49, s. 48 (1).
- (d) a person not resident in Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$20; 10 Edw. VII. c. 101, s. 6; and *see* animals. <sup>To non-residents for fur-bearing animals.</sup>  
 1 Geo. V. c. 76, s. 6.

Production  
of licenses  
on demand.

(2) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested, produce and show the same to the Superintendent or any inspector, warden or overseer or person acting under the authority of any of them who requests him so to do, and on failure or refusal shall forfeit such license, and if found hunting or taking any deer or other animal, for hunting which a license is required, shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act. 7 Edw. VII. c. 49, s. 48 (2), cl. a, *amended*.

[*Clauses (b) and (c) repealed by 8 Edw. VII. c. 65 s. 6.*]

Coupons to  
be attached  
to license.

(3) There shall be attached to every license one or more shipping coupons, plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than ten days after the last day of the open season for which the license is issued.

Detachment  
and cancel-  
lation of  
coupon.

(4) Where any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 46, is presented for shipment at a railway station, steamboat landing or other point of shipment, a coupon shall be detached from the license and signed by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or to the receptacle in which it or any ducks are contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled."

Contraven-  
tion.

(5) Any person, shipping agent or clerk who contravenes any provision of this section or uses a coupon after the expiry thereof or ships or assists in the shipment of anything to which a coupon is required to be attached without complying with the provisions of this section, shall be guilty of an offence against this Act. 7 Edw. VII. c. 49, s. 48 (2); 8 Edw. VII. c. 65, s. 6; 10 Edw. VII. c. 101, s. 3, *part*.

What  
licenses  
may be  
issued.

**49.** A license may be issued upon such terms and conditions as may be imposed by the Regulations authorizing:—

Cold  
storage.

(a) any person engaged in the business of cold storage of perishable articles to keep any game during the open season, and during the period in the close season from the end of the open season in

any

any year to the 16th day of January of the following year, and the fee for such license shall be \$25;

- (b) any person during the open season and during the period in the close season from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale, game lawfully killed and procured, and during such period and upon the conditions prescribed by the Regulations, game imported into Ontario, specified and described in the Regulations, and lawfully hunted, killed or procured according to the law of the province, state or country in which the same were killed or procured, and the fee for such license shall be in cities having a population of not less than 100,000, \$25; in other cities having a population of not less than 50,000, \$10; in cities having a population of less than 50,000, and not less than 25,000, \$5; in cities having a population under 25,000, and in towns, \$2; and in villages and townships, \$1;

Game  
dealers.  
Sale in open  
season.

Rule of  
imported  
game in  
close season.

- (c) a hotel, restaurant or club to supply for or as part of a meal served upon its premises, any game lawfully obtained during the period in which the same may be lawfully kept in cold storage; and the fee for such license shall be in cities having a population of not less than 100,000, \$10; in other cities having a population of not less than 50,000, \$5; and in all other municipalities, \$1.  
7 Edw. VII. c. 49, s. 49; 8 Edw. VII. c. 65, ss. 7, 8.

Supply of  
game by  
hotels, etc.

**50.** Licenses may be issued authorizing fishing in the Nepigon River, Nepigon Lake, and adjacent waters subject to the following in addition to any other conditions imposed by the Regulations:

Conditions  
of licenses  
for the  
Nepigon  
waters.

- (a) One license only may be issued to any applicant, and shall not be for a longer period than four weeks from the date of issue.
- (b) The fee for such license for two weeks or less shall be \$15, for three weeks \$20, and for four weeks \$25, where the applicant is not a permanent resident

Number  
and term  
of licenses.

Fee for  
license.



dent of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada.

Not transferable and to be produced upon request.

- (c) The license shall not be transferable, and the holder shall produce and exhibit it whenever called upon so to do by the Superintendent or an inspector, warden or overseer.

Subject to supervision.

- (d) All fishing camps and fishing parties visiting such waters shall be subject to the supervision of the Superintendent or an inspector, warden or overseer, who may direct what arrangement shall be made with regard to sanitary matters, the disposal of refuse and the extinction of fires.

Cutting of live timber prohibited.

- (e) A licensee, his servant or agent shall not cut live timber except where necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like. 7 Edw. VII. c. 49, s. 50.

Fishing licenses.

**51.** Licenses may be issued authorizing fishing in any waters subject to any terms, conditions or limitations, and for any district, or fishery, and within any boundaries therein or in the Regulations set forth. 7 Edw. VII. c. 49, s. 51 (1), *amended*.

Guides.

**52.** Licenses or permits may be issued on such terms and conditions as may be prescribed by the Regulations, giving authority to act as guides for hunting, shooting or fishing, in any part of Ontario specified in any license or permit, to such persons applying therefor as are certified by any inspector or warden to be fit and proper persons and qualified so to act; and the fee for any such license or permit shall not exceed \$2. 7 Edw. VII. c. 49, s. 52.

Refund when license not used.

**53.** The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued, he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund. 2 Geo. V. c. 75, s. 5, *amended*.

## PART VI.

## ADMINISTRATION.

**54.** The Lieutenant-Governor in Council may make Regu-<sup>Government</sup>lations:—<sup>Regulations.</sup>

(a) for the administration of the Game and Fisheries<sup>Adminis-</sup>Branch.<sup>tration.</sup>

(b) for the appointment of the superintendent, inspec-<sup>Appoint-</sup>tors, wardens, overseers, officers, servants and<sup>ment of</sup> other persons, whose assistance he may deem<sup>officers.</sup> requisite for the purposes of this Act, and for their remuneration.

(c) conferring upon certain overseers by special ap-<sup>Making cer-</sup>pointment the powers of Justices of the Peace for<sup>tain over-</sup>seers Jus-<sup>the purposes of this Act and of the Regulations.</sup>Peace.<sup>Peace.</sup>  
7 Edw. VII. c. 49, s. 53.

**55.** The administration of the Game and Fisheries Branch<sup>Superin-</sup>shall, under the Minister, be in charge of the chief officer<sup>tendent.</sup> thereof, who shall be known as the Superintendent of Game and Fisheries. 7 Edw. VII. c. 49, s. 54.

**56.** There shall also be appointed inspectors of game and<sup>Inspectors</sup>fisheries, not exceeding three, who shall, in addition to such<sup>of Game</sup>and<sup>Fisheries.</sup> duties as may be imposed upon them by the Regulations, examine and report upon the enforcement of the Act in all parts of the Province, the manner in which all wardens and overseers have during the year performed their duties, and shall also examine all applicants for the office of game and fishery overseer. 7 Edw. VII. c. 49, s. 55.

**57.** There shall also be appointed wardens of game and<sup>Wardens of</sup>fisheries, not exceeding fourteen, who, subject to the Superin-<sup>Game and</sup>tendent, shall have charge of and be responsible for the en-<sup>Fisheries.</sup>forcement of this Act in the districts for which they shall respectively be appointed. 7 Edw. VII. c. 49, s. 56; 1 Geo. V. c. 76, s. 2.

**58.** The Superintendent, inspectors, wardens, overseers,<sup>Oath to be</sup>and deputy game and fisheries wardens shall, before acting,<sup>taken before</sup>take and subscribe the following oath:—<sup>acting as</sup>  
<sup>Justices of</sup>  
<sup>the Peace.</sup>

I, A. B., Superintendent (or as the case may be), appointed under the provisions of *The Ontario Game and Fisheries Act*, do

swear

swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Superintendent (*or as the case may be*) according to the true intent and meaning of *The Ontario Game and Fisheries Act* and the regulations.

So help me God.

7 Edw. VII. c. 49, s. 57; 8 Edw. VII. c. 65, s. 10.

Officers  
authorized  
to act as  
Justices of  
the Peace.

**59.** The Superintendent and inspectors and wardens of game and fisheries, overseers authorized by their appointment to act as Justices of the Peace, and the Superintendent and inspectors of the Ontario Provincial Police, shall be Justices of the Peace in and for every county or district for the purposes of this Act and of the Regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offence is alleged to have been committed. 7 Edw. VII. c. 49, s. 57 (1), and 8 Edw. VII. c. 65, s. 9.

Overseers  
appointed  
and  
dismissed.

**60.**—(1) Subject to the approval of the Minister, the Superintendent may appoint the overseers and may in his discretion dismiss any of them.

Remunera-  
tion of over-  
seers, etc.

(2) Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration, but shall not be entitled to receive directly any fines imposed for offences against this Act. 7 Edw. VII. c. 49, s. 58.

Powers and  
duties of  
overseers.

**61.**—(1) Every overseer shall, before acting, obtain and deposit with the Superintendent a written certificate signed by an inspector or warden, that he is a fit and proper person to be appointed to the office of overseer.

Overseer's  
powers as  
constable.

(2) An overseer shall have the authority of a constable for the purposes of this Act and the Regulations.

Arrest on  
view.

(3) Every overseer not being himself a Justice of the Peace or authorized to act as such, on view of a violation of this Act, shall arrest the person committing the same, without process and bring him with reasonable diligence before a Justice of the Peace to be dealt with according to law.

Duty to  
search.

(4) Every overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act, or the Regulations, and are contained in any trunk, box, bag, parcel, or receptacle, shall open the same, entering all premises which under the provisions of this Act, he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate

his

his search, and if such overseer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, car or building which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, Form A, before a Justice of the Peace, and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justice of the Peace may issue a search warrant, Form B.

Opening parcels or entering premises.

Search warrant.

(5) Every overseer shall forthwith seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law, but articles the use of which is at all times unlawful shall be forthwith destroyed.

Duty to seize.

(6) Every overseer shall investigate all violations of this Act or of the Regulations brought to his notice, and prosecute all persons whom he may have reasonable cause to believe guilty of any offence against this Act.

Duty to investigate and prosecute.

(7) In the discharge of his duties every overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass.

Right of passage.

(8) Any person who obstructs, hinders, delays or interferes with an overseer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

Obstructing officers in the discharge of their duty.

(9) Every overseer or other person authorized to enforce the provisions of this Act, who neglects or refuses so to do, or to perform any of the duties pertaining to his office, shall be guilty of an offence against this Act.

Neglect to fulfil duties.

(10) Any officer who maliciously abuses his power shall be guilty of an offence against this Act.

Abuse of power.

(11) All the provisions of this section as to overseers shall apply to the Superintendent, inspectors and wardens so far as is consistent with their respective duties, and all sheriffs, deputy sheriffs, provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens shall *ex officio* be overseers.

7 Edw. VII. c. 49, s. 59, *part.*

Deputy  
game and  
fishery  
wardens—  
Appointment,  
etc.,  
of.

**62.**—(1) Subject to the approval of the Minister, the Superintendent may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them.

Remunera-  
tion.

(2) Deputy game and fishery wardens shall be appointed without salary, except when on special service, and shall receive one-half of all fines resulting from convictions obtained by them.

To have the  
authority of  
constables.

(3) Deputy game and fishery wardens shall have the authority of a constable for the purposes of this Act, and the Regulations. 8 Edw. VII. c. 65, s. 10, *part*.

## PART VII.

### PROCEDURE—EVIDENCE—PENALTIES.

Provisions  
with respect  
to summary  
proceeding.

Persons  
before  
whom  
offences  
may be  
tried.

**63.**—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act may be brought and heard before any person authorized by this Act to act as a justice of the peace or before any of His Majesty's justices of the peace for the county or district in which the penalty was incurred or the offence was committed, or if near any boundary between different counties or districts, then in either, or in any case in the county or district in which the offender lives or is found, and in a city, town or village in which there is a police magistrate, before him; but no person shall be compelled to attend at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed than ten miles, if there is a justice of the peace residing within that distance who is willing to dispose of the case and is not disqualified.

Limitation.

(2) The information or complaint shall be laid within six months after the commission of the offence, except in the case of a prosecution for omissions to make any return required by this Act or the Regulations.

Offences.

(3) A contravention of this Act or of the Regulations or the terms or conditions of a lease or license shall be and may be stated as an offence against this Act.

Description  
of offence.

(4) The description of an offence, in the words either of this Act or of the Regulations or in any similar words shall be sufficient.

(5)

(5) Any justice of the peace or other person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the Regulations. <sup>Conviction on view.</sup>

(6) A violation of this Act or the Regulations shall constitute a separate offence in respect of each game animal, bird or fish which is the subject thereof, though more than one violation of the same or of a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. <sup>Separate offences.</sup>

(7) Upon the trial of any prosecution under this Act, the Justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction. <sup>Different offences on the same day.</sup>

(8) The Justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid. <sup>Committal on non-payment of fine.</sup>

(9) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the High Court. <sup>Defects of form. Convictions not removable on certiorari.</sup>

(10) In all prosecutions under this Act, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act*. 7 Edw. VII. c. 49, s. 60, amended. <sup>Application of 10 Edw. VII. c. 37.</sup>

**64.**—(1) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in a close season, to prove that such game was lawfully taken, killed, and procured. <sup>Onus of proof.</sup>

(2) The finding of any net, fishing device or other article set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same. <sup>Finding nets to be evidence.</sup>

(3) In all actions and prosecutions under this Act the possession of a gun, decoy, or other implement of shooting or hunting

hunting in or near any place where any game has been, or is likely to be found, shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game.

Deer, etc.

**65.**—(1) Any person who commits any offence against this Act in respect of deer, moose, reindeer, caribou, beaver or otter shall for each offence incur a penalty not less than \$20 and not more than \$100, and any person who commits any other offence against this Act shall for each offence incur a penalty not less than \$5 and not exceeding \$50.

Other offences.

Second and third offences.

(2) Any person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for such offence.

Masked when offence committed.

(3) Any person convicted of any offence against this Act shall, if he is proved to have been masked or disguised and in possession of gun or other fire-arm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine, in addition to the penalty elsewhere provided for such offence.

Separate offences.

(4) A violation of this Act shall constitute a separate offence in respect of every game animal, bird and fish which is the subject thereof, though more than one violation of the same kind or a different kind in respect of more than one game animal, bird or fish takes place at the same time or upon the same day.

Remission or reduction of penalties.

(5) No justice of the peace shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction for more than one offence upon the same prosecution, but in any case in which the aggregate penalties upon conviction for more than one offence, committed at the same time or included in the same conviction amount to more than \$500, the Minister may remit any part of the excess.

Application of fine.

(6) All penalties imposed and collected in prosecutions under this Act in which overseers are prosecutors, shall be paid to the Treasurer of Ontario.



(7) Subject to subsection 2 of section 63, one-half of every <sup>One-half fine to go to private prosecutor.</sup> penalty imposed and collected under the provisions of this Act where any other person is the prosecutor, shall be paid to him, or to the person on whose evidence the conviction is made, as the justice may determine, and the other one-half shall be paid to the Treasurer of Ontario.

(8) All guns, ammunition, boats, skiffs, canoes, punts and <sup>Confiscation of game, etc.</sup> vessels of every description, decoys, nets, rods, lines, tackle, and all appliances of every kind used for hunting or fishing, and all game and fish found in the possession of any person committing an offence against this Act or in respect of which any such offence was committed, shall upon seizure be forfeited, and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of Ontario.

(9) Articles of which the use is at all times unlawful shall <sup>Disposal of articles on seizure.</sup> be destroyed on seizure, and perishable game and fish may in the discretion of the overseer be immediately given to any charitable institution.

(10) Upon seizure of any game or fish illegally killed or <sup>Confiscation of packages, etc.</sup> had in possession, or in respect of which any offence against this Act has been committed, all packages, boxes, crates, parcels or other articles containing the same, together with all other contents thereof of every kind, shall be forfeited and shall become the property of His Majesty, and shall be sold and the proceeds applied as provided in subsection 8.

(11) A person who commits an offence against this Act <sup>No right of property in game or fish illegally caught.</sup> shall not have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become the property of the owner, lessee or licensee, if any, in breach of whose rights the offence was committed; or if there is no such owner, lessee or licensee, shall become the property of His Majesty.

(12) The penalties in the next preceding four subsections <sup>Penalties to take effect on confiscation.</sup> provided as to forfeiture and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction is had against the person who commits such offence.

(13) All leases, licenses or permits held by any person <sup>Conviction to cancel license.</sup> convicted of any offence against this Act shall be deemed to be cancelled upon conviction without further action or notice

given

given by any officer of the Game and Fisheries Branch.  
7 Edw. VII. c. 49, s. 62.

Repeal.

**66.** Sections 9 and 24 of chapter 288 of the Revised Statutes of Ontario, 1897; chapter 49 of the Acts passed in the 7th year; chapter 65 of the Acts passed in the 8th year and chapter 101 of the Acts passed in the 10th year of the reign of His late Majesty King Edward the Seventh; chapter 76 of the Acts passed in the first year and chapter 75 of the Acts passed in the 2nd year of His Majesty's reign, are repealed.

## SCHEDULE.

### FORM A.

(Section 61 (4).)

#### DEPOSITION FOR A SEARCH WARRANT.

I, \_\_\_\_\_ declare that I have reason to suspect, and do suspect, that game, peltries or fish unlawfully killed or taken or had in possession (*as the case may be*) are at present held and concealed (*describe here the property, occupant, etc., and the place*).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches for (*describe here the property, etc., as above*).

Sworn before me at  
this \_\_\_\_\_ day of \_\_\_\_\_

, A.D. 19 \_\_\_\_

X. Y.

L. B.

J. P.

7 Edw. VII. c. 49, Sched. Form A.

### FORM B.

(Section 61 (4).)

#### SEARCH WARRANT.

To the constables of \_\_\_\_\_

Whereas \_\_\_\_\_ has this day declared, under oath, before me, that he has reason to suspect and does suspect that game, peltries or fish unlawfully taken or had in possession, (*as the case may be*) are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you and each of you are commanded by these presents, in the name of His Majesty, to assist the said \_\_\_\_\_, and diligently to help him to make the necessary searches for (*describe the game, peltries or fish unlawfully taken or had in possession; etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc. (*as the case may be*) to the said \_\_\_\_\_ to be brought before me, or before any other Justice of the Peace, to be dealt with according to law.

Given under my hand and seal at \_\_\_\_\_, County (or District) of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_

L. B.,

J. P.

[L.S.]

7 Edw. VII. c. 49, Sched. Form B.

CHAPTER

## CHAPTER 70.

## An Act to amend the School Laws.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The School Law Amendment Act, 1913.* Short title.

**2.** Subsection 2 of section 16 of *The Public Schools Act* 9 Edw. VII. c. 89, s. 16 (2) repealed. is repealed.

**3.** Subsection 10 of section 16 of *The Public Schools Act* 9 Edw. VII. c. 89, s. 16 (10) amended. is amended by striking out the word "five" in the last line thereof and substituting therefor the word "three."

**4.** Section 21 of *The Public Schools Act* is amended by 9 Edw. VII. c. 89, s. 21 amended. adding the following as subsection 1a:—

(1a) Except where the section is an urban municipality Union Board to be a corporation. the Board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section numbers in the ."

**5.** Section 21 of *The Public Schools Act* is amended by 9 Edw. VII. c. 89, s. 21, subsec. 31 added. adding the following as subsection 21:—

(21) Where within the period of five years mentioned When assessment materially altered by land becoming vacant readjustment may be made. in subsection 16 the assessment of the section is materially altered by reason of any land there- in becoming exempt from taxation for public school purposes, such section, notwithstanding the provisions of that subsection may be altered or dissolved.

**6.** Section 29 of *The Public Schools Act* is amended by 9 Edw. VII. c. 89, s. 29 amended, subsec. 1a added. adding the following as subsection 1a:—

(1a) added.

Where assessment of union section materially altered by vacant land assessment to be revised.

- (1a) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the assessors shall, at their next meeting, revise the equalization.

9 Edw. VII. c. 89, s. 30 amended.

7. Section 30 of *The Public Schools Act* is amended by adding the following as subsection 3:—

When assessment materially altered by land becoming exempt readjustment may be made.

- (3) Where within the period of five years mentioned in subsection 1 the assessment of a school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the council may, notwithstanding the provisions of subsection 1 make such readjustment of the school sections as may be deemed requisite.

9 Edw. VII. c. 89, s. 36 amended.

8. Section 36 of *The Public Schools Act* is amended by adding the following as subsection 3:—

Provincial guarantee of debentures in unorganized townships.

- (3) The Lieutenant-Governor in Council may for and in the name of the Province guarantee the payment of any debentures issued by a School Board under the authority of this section.

9 Edw. VII. c. 89, s. 43 amended, subsec. 6 added.

9. Section 43 of *The Public Schools Act* is amended by adding the following as subsection 6:—

Where money borrowed proves insufficient by-law may be passed to raise remainder.

- (6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed, the council may pass another by-law for borrowing the remainder of the money required for such purposes; and all the provisions of this section shall apply to such by-law.

9 Edw. VII. c. 89, s. 72 amended, cl. (hh) added.

10. Section 72 of *The Public Schools Act* is amended by adding thereto the following as clause hh:—

Rural school board to report names, etc., of blind or deaf and dumb children.

- (hh) In the case of a rural school board to ascertain and report to the Minister of Education at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb, and who would otherwise be required to attend the school under their charge.

9 Edw. VII. c. 89 amended, s. 74a added.

11. *The Public Schools Act* is amended by adding thereto the following as section 74a:—

- 74a. The board of a public school may pay the travelling expenses of any member of the board or of any teacher in the employment of the board, incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario.
- Board may pay travelling expenses of member of Board or teacher attending Educational Association meetings,

**12.** Subsection 5 of section 85 of *The Public Schools Act* is amended by striking out the words "provided always that an action shall be" in the fourth line, and inserting in lieu thereof the word "if an action to recover it is."

9 Edw. VII. c. 89, s. 85 (5), amended.

**13.** Subsection 2 of section 87 of *The Public Schools Act* as amended by section 11 of *The School Laws Amendment Act, 1912*, is repealed and the following substituted therefor:—

9 Edw. VII. c. 89, s. 87 (2), repealed.

- (2) The Minister may out of any money appropriated for that purpose apportion \$25 to each Teachers' Institute so organized and conducted according to the Regulations where the number of teachers in the Inspectorate or united Inspectorate is 100 or less, and where it is more than 100, \$25 for each additional 100 or portion thereof, and the council of each county, city or separated town, or town in territory without county organization, shall pay annually to the president of each teachers' institute established within such county, city or town, a sum at least equal to the amount so apportioned.
- Legislative grant to teachers' institutes.

- (2a) If the teachers in an inspectorate composed of a city and part of a county, are united in one Teachers' Institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.
- When city and county to pay share of equivalent of such grant.

**14.—(1)** Subsection 1 of section 90 of *The Public Schools Act* is amended by inserting after the word "grant" in the fifth line thereof the words "for Public and Separate School purposes."

9 Edw. VII. c. 89, s. 90, (1) amended.

(2) Subsection 2 of the said section is amended by inserting after the word "grant" in the fourth line thereof the words "for Public and Separate School purposes."

9 Edw. VII. c. 89, s. 90 (2) amended.

9 Edw. VII.  
c. 89, s. 90,  
amended,  
subsec. 2  
added.

(3) The said section 90 is further amended by adding the following as subsection 2a:—

In union  
school  
section  
each  
county  
to pay  
proportion.

(2a) In case of a union school section composed of parts of two or more counties, the council of each county shall pay a proportion of the whole sum required to be paid under subsection 1 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate.

9 Edw. VII.  
c. 89,  
s. 90 (3)  
amended.

(4) Subsection 3 of the said section 90 is amended by inserting after the word "public" in the fifth line the words "and separate."

9 Edw. VII.  
c. 89,  
s. 95 (1)  
amended.

**15.** Subsection 1 of section 95 of *The Public Schools Act* is amended by striking out the words between the words "The Minister" in the first line and the words "shall determine" in the second line thereof.

9 Edw. VII.  
c. 89,  
s. 95 (2)  
amended.

**16.** Subsection 2 of said section 95 is amended by inserting after the word "shall" in the fourth line the words "subject to the approval of the Minister;" and by inserting after the word "may" in the fifth line the words "subject to the like approval;" and by inserting after the word "duties" in the sixth line the words "in addition to those prescribed by the Regulations."

9 Edw. VII.  
c. 89, s. 95,  
amended,  
subsecs.  
1a, 1b  
added.

**17.** The said section 95 of *The Public Schools Act* is amended by adding the following subsections:—

Appoint-  
ment of  
additional  
inspectors.

(1a) Where the council of a county, or the Board of Education or the Board of Public School Trustees of a city or separated town fails to appoint the number of inspectors which the Minister has determined that there should be appointed for the county, city or separated town, the Minister may appoint them, and the salary and expenses of any inspector so appointed shall be provided for and paid in the same manner as if he had been appointed by the council or school board.

No appoint-  
ment until  
one month  
after first  
meeting of  
County  
Council.

(1b) No such appointment shall be made by the Minister until, in the case of a county, one month after the first meeting of the council after notice of the determination of the Minister, and, in the

case of a city or separated town, within one month after the first meeting of the School Board after such notice.

**18.** The said section 95 is amended by adding the following subsection:—

9 Edw. VII.  
c. 89, s. 95,  
amended.

- (9) When owing to the requirements of the Regulations, the Minister deems it expedient, he may himself appoint a special inspector of public schools who shall be subject directly to his control, and whose salary and travelling expenses shall be paid by the Department of Education.

Appoint-  
ment of  
special  
inspector.

**19.** Subsections 3 and 4 of the said section 95 are repealed and the following substituted therefor:—

9 Edw. VII.  
c. 89, s. 95  
(3, 4),  
repealed,  
subsecs.  
3, 4, 4a, 4b,  
4c, 4d, 4e,  
substituted.

- (3) There shall not, without the consent of the Minister, be assigned to an inspector the duty of making a greater or a less number of visits of inspection than the number of such visits which according to the Regulations may be assigned to one inspector.

Duties  
assigned to  
Inspector.

- (4) Where in a county, city or separated town there are more or less than the number of schools, the inspection of which, according to the Regulations, should be assigned to the inspector or inspectors, an agreement may be made, with the approval of the Minister, for uniting for the purposes of inspection the whole or part of such county, city or separated town with an adjacent county or part of it; and where that is done the councils or school boards of the municipalities which have entered into the agreement shall provide for dividing the parts so united into inspectorates, the schools in each of which shall require the number of visits of inspection which, according to the Regulations may be assigned to one inspector, unless the Minister sanctions a variation therefrom; and shall assign an inspector to, or appoint an inspector for, each of such inspectorates, and shall determine the proportion in which the salaries and expenses of the inspectors shall be paid by each corporation and school board, and the same shall be payable and shall be paid accordingly.

Provision  
for uniting  
for inspec-  
tion whole  
or part of  
county,  
city, or  
separated  
town with  
adjacent  
county or  
part of it.

(4a)



Where impracticable to form such inspectorates as many as are practicable to be formed, and inspector of adjoining county to aid in inspection.

- (4a) Where, owing to the number of schools, it is impracticable to form inspectorates in accordance with the provisions of the next preceding subsection, as many inspectorates as it is practicable to form may be formed if provision is made for the inspection of such of the schools as are not included in any inspectorate, by an inspector of an adjacent county, city or separated town.

Provision for proportion of time of such inspector to be given to school in each municipality, and the proportionate payment.

- (4b) Where provision is made for such inspection by an inspector of an adjacent county, city or separated town, the councils or school boards which enter into an agreement for that purpose shall, subject to the approval of the Minister, provide by agreement as to the proportion of the time of the inspector which shall be given to the schools in each of the municipalities and the proportion of his salary and expenses which shall be borne by each corporation and school board, and the same shall be payable and be paid accordingly.

Where no agreement made Minister may re-arrange inspectorates.

- (4c) Where in the cases to which subsection 4 applies no agreement is made under the provisions of the foregoing subsections before a day to be fixed by the Minister, the Minister may exercise any of the powers which might have been exercised by the council of the country or by the school board and may re-arrange the inspectorates and assign or appoint inspectors to them or may make provision for the inspection of any of the schools within the county, city or separated town by an inspector of a district or of another county, city or separated town, or the Minister may appoint an inspector or inspectors for the purpose of inspecting such schools.

Where such power exercised proportion of time and of salary to be determined by Minister.

- (4d) Where the power conferred upon the Minister by the next preceding subsection is exercised and the inspector of a district or of another county, city or separated town, is appointed, the proportion of his time which shall be given to the schools in each county, city or separated town, shall be determined by the Minister, and the proportion of his salary and expenses which shall be borne by each corporation and school board shall also be determined by him, and the same shall be payable and be paid accordingly.

(4e) Where the Minister, under the powers conferred by subsection 4c, appoints a new inspector, the Minister shall fix the proportions of his salary and expenses which shall be paid by the corporation of the county and the school board of the city or separated town in respect of the schools in such county, city or separated town the inspection of which is assigned to such inspector, and the same shall be payable and be paid accordingly.

Minister under sub-sec. 4c, to fix proportion of salary and expenses to be paid by County and School Board, etc.

(4f) Any sum which is payable by the corporation of a county, or by a school board under any of the foregoing subsections shall be provided for and paid in the same manner as if the inspector had been appointed by the corporation of the county or by the school board.

Payment, under foregoing subsections, by county or school board to be made as if appointed thereby.

**20.** Subsection 6 of the said section 95 is amended by striking out the words between the words "The Minister" in the first line and the words "whenever" in the second line thereof.

9 Edw. VII. c. 89, s. 95 (6) amended.

**21.** Section 100 of *The Public Schools Act* is amended by adding thereto the following as subsection 5a:—

9 Edw. VII. c. 89, amended, subsec. 5a added.

(5a) The county council shall also provide the inspector with such necessary office accommodation and furniture, and clerical assistance, and in case of any difference between the county council and the inspector as to what is necessary, the matter in dispute may be determined by the judge of the county court, whose decision shall be final.

County Council to provide Inspector with necessary office accommodation, furniture, etc.

**22.** Section 106 of *The Public Schools Act* is amended by striking out the word "a" in the first line and inserting in lieu thereof the word "such."

9 Edw. VII. c. 89, s. 106 amended.

**23.** Subsection 9 of section 107 of *The Public Schools Act* is amended by striking out the figures "103" in the second line and substituting therefor the figures "105", and by striking out the word and figures "103 to 105" and substituting therefor the word and figures "105 to 107."

9 Edw. VII. c. 89, s. 107, amended.

**24.** Subsection 1 of section 108 of *The Public Schools Act* is amended by adding after the word "make" in the seventh line the word "it."

9 Edw. VII. c. 89, s. 108 (1) amended.

9 Edw. VII.  
c. 89,  
Superan-

**25.** Subsection 2 of the said section 108 as enacted by section 15 of *The School Laws Amendment Act, 1912*, is amended by adding after the word "gift" in the second line the words "superannuation fund or in its hands for the purposes of a superannuation fund."

nuation  
fund  
included.

9 Edw. VII.  
c. 89,  
s. 124 (1)  
amended.

**26.** Subsection 1 of section 124 of *The Public Schools Act* is amended by striking out the words "the judge" in the first line and substituting therefor the words "a judge."

9 Edw. VII.  
c. 89,  
s. 124 (4)  
amended.

**27.** Subsection 4 of said section 124 is amended by inserting after the word "county" in the third line the words "or district."

9 Edw. VII.  
c. 89,  
s. 132  
amended.

**28.** Section 132 of *The Public Schools Act* is amended by inserting after the word "by" in the first line the words "or under the authority of."

9 Edw. VII.  
c. 91, s. 25  
amended,  
cl. (c)  
added.

**29.** Section 25 of *The High Schools Act* is amended by adding the following as clause (c):—

Provision  
for dental  
and  
medical  
inspection.

(c) Provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or in the absence of Regulations, as the board may deem proper.

9 Edw. VII.  
c. 91, s. 25  
amended,  
cl. (d)  
added.

**30.** Section 25 of *The High Schools Act* is amended by adding thereto the following as clause (d):—

Board  
may pay  
travelling  
expenses  
of member  
or teacher  
attending  
educational  
association  
meetings,  
etc.

(d) Pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association, or other like association of teachers or trustees in Ontario.

9 Edw. VII.  
c. 91, s. 32  
repealed,  
and s. 32  
(1), (2)  
substituted.

**31.** Section 32 of *The High Schools Act* is repealed and the following substituted therefor:—

Board  
may make  
annual  
grant to  
the super-  
annuation  
fund.

**32.—**(1) Subject to the Regulations, the high school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. *See* 9 Edw. VII. c. 88, s. 108.

- (2) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes may have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Investment of funds.  
1 Geo. V.  
c. 26.

**32.** Clause (a) of section 44 of *The High Schools Act* is amended by adding at the end thereof the words "conducted by day."

9 Edw. VII.  
c. 91, s. 44,  
cl. (a)  
amended.

Clause (b) of section 44 is amended by adding after the word "schools" in the seventh line the words "conducted by day."

9 Edw. VII.  
c. 91, s. 44  
cl. (b)  
amended.

**33.** The said section 44 of *The High Schools Act* is amended by adding the following clause:—

9 Edw. VII.  
c. 91,  
s. 44a  
added.

- (c) A candidate shall be entitled to enter a high school while it is conducted at night if in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation he is competent to take up the subjects as prescribed by the Regulations, but such admission shall not entitle him to admission to the high school when conducted by day.

Provision for attendance at High School conducted at night.

**34.** Section 45 of *The High Schools Act* is amended by adding thereto the following as subsections 2 and 3:—

9 Edw. VII.  
c. 91, s. 45  
amended,  
subsecs. 2, 3  
added.

- (2) The Minister may suspend any member of the Board from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the Regulations with regard to High School Entrance Examinations, or of being guilty of other misconduct in office.

Member of Board may be suspended for non-observance of regulations, etc.

- (3) The Minister may appoint some other qualified person to act in the place of the member so suspended.

Appointment during suspension.

**35.** (1) Subsection 1 of section 48 of *The High Schools Act* is hereby repealed.

9 Edw. VII.  
c. 91,  
s. 48 (1)  
repealed.

(2) Subsection 2 of the said section is amended by inserting the words "principal or" between the word "appointed" and the word "assistant" in the first line thereof.

9 Edw. VII.  
c. 91,  
s. 48 (2)  
amended.

9 Edw. VII.  
c. 92, s. 5  
amended,  
subsec. 2  
added.

When blind  
or deaf  
and dumb  
child with-  
in Act.

**36.** Section 5 of *The Truancy Act* is amended by adding the following as subsection 2:—

- (2) The fact that the child is blind or deaf and dumb shall not be deemed an unavoidable cause within the meaning of clause (b) of this section if the child is a fit subject for admission to the Ontario School for the Deaf or the Ontario School for the Blind.

9 Edw. VII.  
c. 92,  
s. 7 (3)  
amended.

**37.** Subsection 3 of section 7 of *The Truancy Act* is amended by inserting the words "County or" after the word "a" in the first line.

9 Edw. VII.  
c. 92, s. 7  
(5),  
amended.

**38.** Subsection 5 of the said section 7 is amended by substituting the words "both councils" for "the council" in the first line.

9 Edw. VII.  
c. 88, s. 4,  
subs. 1,  
amended.

**39.**—(1) Subsection 1 of section 4 of *The Department of Education Act* is amended by inserting after the words "kindergarten departments," in the fourth line the words "supervised and out-door playgrounds."

9 Edw. VII.  
c. 88, s. 5.

(2) Clause (a) in section 5 of the said Act is amended by inserting after the words "school gardens," in the third line the words "supervised and out-door playgrounds."

## CHAPTER 71.

An Act respecting Separate Schools.<sup>55</sup><sub>24</sub>*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.

I. PROTESTANT AND COL-  
OURED SEPARATE  
SCHOOLS, ss. 2-16.

Establishment, ss. 3, 8, 10.

Trustees and their election, ss.  
6, 8.

Commencement, s. 7.

Union of wards, s. 9.

Exemption from and right to  
certain rates and grants, ss.  
11-14.Application of certain pro-  
visions, s. 15.

Powers of trustees, s. 16.

II. ROMAN CATHOLIC SEP-  
ARATE SCHOOLS:

## INTRODUCTORY.

Application of Act, s. 17.

Interpretation, s. 18.

First election of Trustees, ss.  
19-21.SCHOOL BOARDS IN UNORGANIZED  
TERRITORY, s. 22.RURAL SEPARATE SCHOOLS, ss. 23.  
34.Election of trustees, etc., ss.  
23-27.Organization of Board, ss. 28,  
29.Duties of Secretary and Treas-  
urer, ss. 30, 31.Appointment of auditor by  
Minister, s. 32.

Union of Boards, s. 33.

Sites, s. 34.

Separation, s. 35.

## URBAN BOARDS, ss. 36-43.

TRUSTEES AND TENURE OF OFFICE,  
ss. 36-38.

Election of trustees, s. 39.

Elections by ballot, ss. 40, 41.

Irregularities, s. 42.

Controverted elections, s. 43.

## MEETINGS OF THE BOARD, s. 44.

DUTIES AND POWERS OF TRUSTEES,  
s. 45.

## VACANCIES, s. 46.

## TEACHERS:

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Duties of, s. 48.

Change of textbooks, s. 49.

Qualification, s. 50.

Provisions as to salary, ss. 51-  
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ASSESSMENTS, BORROWING POWERS  
AND GRANTS, ss. 55-75.Exemption of supporters from  
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Residence of supporters, s. 56.

Where resident within three  
miles of two or more schools,  
s. 57.Resident out of municipality,  
voting place, s. 58.Supporter of school in another  
municipality, s. 59.Right of non-resident to re-  
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tax, s. 60.Notice of withdrawal of sup-  
port, s. 61.Index Book of supporters, s.  
52.

Correction of mistakes, s. 63.

Collector's Roll—further col-  
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65.School rate of corporation, s.  
66.Powers of trustees to levy  
rates, etc., ss. 67-70.

Copy of assessment roll, s. 68.

Statement of supporters of  
separate schools, s. 69.Collection of school rates,  
by Municipal Council, s. 70.Dates for giving notices,  
s. 71.Agreement with Municipal  
Council for payment in lieu  
of rate, s. 72.Right to establish and main-  
tain continuation schools, s.  
73.County rate in aid of schools,  
s. 74.

Borrowing powers, s. 75.

Legislative grant, s. 76.

Not to share local assessment  
for public schools, s. 76 (3).

## MISCELLANEOUS

## MISCELLANEOUS, SS. 77-80.

Visitors, s. 77.

Inspection, s. 78.

Model schools, s. 79.

Disagreement between trustees and inspectors, etc., s. 80.

## SUPERANNUATION, s. 81.

Repayment to wife, etc., of deceased teacher, s. 82.

Right of teacher to retire, s. 83.

Pension to teachers, s. 84.

Extra allowance, s. 85.

Teacher resuming profession and again retiring, s. 86.

Forfeiture of claim, s. 87.

Repayment to contributors, s. 88.

Teachers not availing themselves of Act, s. 89.

Grants by board and investment, s. 90.

## TERMS AND HOLIDAYS, s. 91.

## PENALTIES AND PROHIBITIONS, SS. 92-107.

Penalty for use of unauthorized textbooks, s. 92.

Penalty for making false declaration, s. 93.

Trustees not to hold certain offices, s. 94.

Seat vacated by conviction for crime, etc., s. 95.

By interest in contract, s. 96.

Penalty for disturbing school, s. 97.

Penalty for refusing to serve as trustee, s. 98.

Penalty for refusing to perform duties, s. 99.

Penalty for failure to transmit minutes, s. 100.

Liability for neglect to take security and for lost school moneys, s. 101.

Penalty for refusing to account, s. 102.

Order to account, s. 103.

Penalty for trustees refusing information for auditors, s. 104.

Penalty for delaying report, s. 105.

Penalty for false reports, etc., s. 106.

Personal responsibility for moneys lost, s. 107.

## RECOVERY OF PENALTIES, s. 108.

## REPEAL, s. 109.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Separate Schools Act*. R.S.O. 1897, c. 294, s. 1.

## PART I.

## PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions on which separate schools may be established.

Protestants.

**2.** Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village, shall authorize the establishment therein of one or more separate schools for Protestants. R.S.O. c. 294, s. 2 (1), *part*.

Coloured people.

**3.** Upon the application in writing of five or more heads of families resident in a township, city, town or village being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. c. 294, s. 2 (1), *part*.



4. In a township the council shall prescribe the location <sup>Location.</sup> of the school or schools authorized to be established under this and the next preceding two sections. R.S.O. c. 294, s. 2 (1), *part, amended.*

5. No person shall be a supporter of any separate school <sup>Who may be supporter of school for colored people.</sup> for coloured people unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1897, c. 294, s. 2 (2).

6. There shall be three trustees for each separate school <sup>Election of trustees.</sup> and the first meeting for their election shall be held and conducted in the manner provided by section 27. R.S.O. 1897, c. 294, s. 3.

7. On the twenty-fifth day of December next following the <sup>Commencement and regulations.</sup> date of the application mentioned in section 2 and section 3 the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1897, c. 294, s. 4.

8. None but coloured people shall vote at the election of <sup>Voters defined.</sup> trustees of a separate school established for coloured people, and none but the persons petitioning for the establishment of, or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1897, c. 294, s. 5.

9. In a city or town the persons who make the applica- <sup>Union of wards in cities and towns.</sup> tion may have a separate school in each ward, or in two or more wards united, as they may judge expedient. R.S.O. 1897, c. 294, s. 6.

10. No Protestant separate school shall be established in <sup>Restriction upon right to establish Protestant separate school.</sup> any school section, except when the teacher of the public school in such section is a Roman Catholic. R.S.O. 1897, c. 294, s. 7.

11.—(1) In a city, town, village or township public school <sup>Exemption from public school rates.</sup> section in which a separate school exists every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of the school. R.S.O. 1897, c. 294, s. 8, *amended and redrafted.*

Exemption  
conditional.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school; or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1897, c. 294, s. 9.

Not to  
share.

12. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1897, c. 294, s. 10.

Share of  
legislative  
school grant  
determined.

13. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1897, c. 294, s. 11, *redrafted*.

Half-yearly  
return to  
inspector.

14.—(1) The trustees of every separate school shall, on or before the thirtieth day of June and the thirty-first day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent, and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period. R.S.O. 1897, c. 294, s. 12.

Inspector  
to report  
to clerk.

(2) The Inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established, stating the names of all the persons who being Protestant or coloured persons as the case may be, contribute or send children to the separate school. R.S.O. 1897, c. 294, s. 13.

Clerks and  
trustees to  
exempt  
supporters  
of separate  
schools  
from rates.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the board of trustees shall not include in their school rolls, any person whose name appears upon the last mentioned return. R.S.O. 1897, c. 294, s. 14.

Clerk to  
allow use of  
assessor's  
roll.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee, or the authorized collector of the Board, to make a copy of such roll as far as it relates to their school section. R.S.O. 1897, c. 294, s. 15.

**15.** Sections 28 to 49, 51 to 54 and 89, shall apply to the trustees and teachers of such separate schools. *See* R.S.O. 1897, c. 294, s. 16. Application of ss. 28 to 49, 51 to 54, and 89.

**16.** The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of (as the case may be), in the Township (City, Town or Village, as the case may be), of , " and shall have such powers as to imposing, levying and collecting school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of the separate school as are provided by section 67. R.S.O. 1897, c. 294, s. 17. Corporate name. Powers.

## PART II.

### ROMAN CATHOLIC SEPARATE SCHOOLS.

**17.** This Part shall apply to separate schools for Roman Catholics now or hereafter established. R.S.O. 1897, c. 294, s. 18. Application of following part of Act.

**18.** In this Part,

Interpretation.

- (a) "Regulations" shall mean regulations made under *The Department of Education Act*; 9 Edw. VII. c. 88.
  - (b) "Rural school" shall mean separate school for Roman Catholics in a township, or in territory without municipal organization; "Rural School."
  - (c) "Secretary" or "Treasurer" shall include a Secretary-Treasurer; "Secretary-treasurer."
  - (d) "Separate school" shall mean separate school for Roman Catholics. "Separate School."
  - (e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. "Urban School."
- R.S.O. 1897, c. 294, s. 19, *amended*.

**19.** Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1897, c. 294, s. 21. Meeting to establish a separate school.

**20.** A majority of the persons present being householders or freeholders and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1897, c. 294, s. 22. Election of trustees.

Notice of  
such meet-  
ing to be  
given; and  
to whom.

**21.**—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality, or to the chairman of the board of public school trustees, in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences, the persons elected as trustees.

Notification  
of result to  
Department.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee, who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education.

Corporate  
name of  
trustees.

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or town or village) of " and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number , in the Township of ."  
R.S.O. 1897, c. 294, ss. 20, 23 and 27, *part amended*.

#### SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Meeting for  
purpose of  
electing  
trustees.

**22.**—(1) In unorganized townships and in any part of the province not surveyed into townships, any number of heads of families not less than ten who are Roman Catholics, may, at a public meeting, called for that purpose, elect three of their number as school trustees, and the trustees so elected shall have all the powers of Public School Boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act. 62 Vict. (2), c. 37, s. 1; 3 Edw. VII. c. 34, s. 2.

Legislative  
grants.

(2) On receipt of notice by the Department of Education, signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes, the Minister of Education may pay to the Board out of the appropriation made by this Legislature for public and separate schools, such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council. 62 Vict. (2), c. 37, s. 2.

Appoint-  
ment of  
collector.

(3) The Board may appoint a fit and proper person, who may be one of the trustees to collect the rates imposed upon the supporters of the school, or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five, nor more than ten per centum on the money collected

collected by him; and every collector shall give such security as may be required by the Board. 62 Vict. (2), c. 37, s. 3.

(4) Every collector shall have the same powers in collect-<sup>Powers and duties of</sup> ing the school rate, rate-bill or subscription, and shall be <sup>collectors.</sup> under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. 62 Vict. (2) c. 37, s. 4.

#### RURAL SEPARATE SCHOOLS.

**23.** For every rural school there shall be three trustees, <sup>Trustees' term of</sup> each of whom, after the first election, shall hold office <sup>office.</sup> for three years, and until his successor has been elected. R.S.O. 1897, c. 294, s. 24.

**24.**—(1) The trustees elected at the first meeting shall <sup>Retirement by rotation.</sup> hold office:

- (a) the person first elected, for two years from the annual school meeting next after his election, and until his successor has been elected;
- (b) the person secondly elected for one year from such annual school meeting, and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting, and until his successor has been elected.

(2) A trustee elected to fill a vacancy shall hold office <sup>Vacancies.</sup> only for the unexpired term of the person in whose place he has been elected.

(3) A trustee may resign with the consent in writing of <sup>Resignations.</sup> the other trustees.

(4) A retiring trustee may be re-elected with his own <sup>Re-election.</sup> consent, otherwise he shall be exempted from serving for four years next after leaving office. R.S.O. 1897, c. 294, s. 27 (10-13).

**25** Any person being a British subject, not less than <sup>Trustees' qualification.</sup> twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1897, c. 294, s. 25.

**26.** Every householder or freeholder of the full age of <sup>Electors, qualification of.</sup> twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question, at any annual or special meeting of the supporters of such school. R.S.O. 1897, c. 294, s. 26.

Annual  
meeting,  
when held.

**27.**—(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday, on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees. R.S.O. 1897, c. 294, s. 27, par. 1. *amended*.

Chairman  
and secre-  
tary.

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of  
business.

(3) The business of the meeting may be conducted in the following order: (a) receiving and dealing with the annual report of the trustees; (b) receiving and dealing with the annual report of the auditors; (c) electing one or more auditors for the current year; (d) electing a trustee or trustees to fill any vacancy or vacancies; and (e) miscellaneous business.

Chairman,  
duties of.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting.

Proceedings  
in case of  
a poll.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name.

Entries in  
poll book.

(6) Where a poll is demanded upon a school question by any two supporters, the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against."

When voter  
is objected  
to.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person

whose



whose right to vote is objected to, to make the following declaration:

I, A. B., declare

- (a) That I am an assessed householder or freeholder in School Section No. —; Declaration.  
 (b) That I am of the full age of 21 years;  
 (c) That I am a supporter of the Roman Catholic separate school in said School Section No.—;  
 (d) That as such supporter I have the right to vote at this meeting;

whereupon the person making such declaration shall be entitled to vote. R.S.O. 1897, c. 294, s. 27, pars. 1 and 3-8.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. R.S.O. 1897, c. 294, s. 27, par. 9, *amended*. When poll shall close.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed, without any vote being recorded. *New. See 1 Geo. V. c. 17, s. 55 (5).* Afternoon meetings.

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education. Copy of minutes to be sent to Education Department.

(11) If from want of proper notice or other cause, any meeting for the election of trustees is not held at the proper time, any two supporters of the school may call a meeting by giving six days' notice, posted up in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O. 1897, c. 294, s. 27, pars. 2 and 14. Meetings to be called in default of first or annual meetings.

### *Organization of Board.*

**28.** A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer, or of a secretary-treasurer. R.S.O. 1897, c. 294, s. 28, par. 1, *amended*. Quorum.

**29.** No act or proceeding shall be valid which is not adopted at a regular or special meeting of the Board of which notice has been given as required by this Act and at which Regularity.



which at least two trustees are present. R.S.O. 1897, c. 294, s. 28, par. 4, *amended*.

### *Duties of Secretary.*

Duties of  
secretary.

**30.** It shall be the duty of the Secretary to:

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes, when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees, by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1897, c. 294, s. 28, par. 2, *part*, and par. 3, *part*.

### *Duties of Treasurer.*

Duties of  
treasurer.

**31.** It shall be the duty of the treasurer to:

- (a) receive all school money collected from the supporters of the school, and account for the same.
- (b) disburse all such money in the manner directed by the board.
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. R.S.O. 1897, c. 294, s. 28, par. 2, *part* and par. 6, *part*.

### *Appointment of Auditor by Minister.*

Appoint-  
ment of  
auditor by  
Minister.

**32.** Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1897, c. 294, s. 28, par. 5, *part*.

*Union Boards.*

**33.**—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school, may form a union separate school, of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected by the supporters of the union separate school, as provided by section 27.

Notice for  
formation  
of union  
school

Union  
formed.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections numbers in the . . ." R.S.O. 1897, c. 294, s. 29, *amended*.

Corporate  
name.

*School Sites.*

**34.**—(1) The board shall have power to select a site for a new school-house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting of the supporters of the school to consider the site selected; and no site shall be adopted or change of school site made except in the manner hereinafter provided, without the consent of the majority of such special meeting.

Sites.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Arbitration  
when trustees  
and  
ratepayers  
differ as  
to site.

Award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award; which award, or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. 3 Edw. VII. c. 34, s. 1.

Reconsid-  
eration of  
award.

*Separation.*

*Separation.*

Establish-  
ment of  
separate  
school in a  
portion of  
rural  
section.

**35.**—(1) Where a separate school has been established in a public school section which includes an urban municipality, or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the Inspector of separate schools, that the separate school supporters in such township, or portion of a township, are desirous of establishing a separate school therein, the Inspector may signify in writing to the board his approval of the establishment of such separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

Arbitration.

(2) The Inspector and two other persons, one of whom shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township shall constitute a board of arbitrators, who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban municipality, and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

Property  
liable for  
debentures.

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. 4 Edw. VII. c. 34, s. 1.

## URBAN BOARDS.

*Trustees and Tenure of Office.*

Trustees in  
city, etc.  
divided into  
wards.

**36.**—(1) For every ward into which a city or town is divided there shall be two trustees, each of whom, after the first election, shall continue in office for two years.

Retirement  
by rotation.

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer. R.S.O. 1897, c. 294, s. 30, pars. 1, 2.

**37.**—(1) In every village there shall be six trustees, <sup>Trustees in village.</sup> each of whom, after the first election, shall continue in office for two years.

(2) Three of the trustees chosen at the first election to be <sup>Retirement by rotation.</sup> determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer. R.S.O. 1897, c. 294, s. 30, pars. 3, 4.

**38.** A trustee shall continue in office until his successor <sup>Term of office.</sup> has been elected. R.S.O. 1897, c. 294, s. 30, par. 5.

### *Election of Trustees.*

**39.**—(1) A meeting of the supporters of every urban <sup>Provisions for elections of trustees of urban schools.</sup> school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided <sup>Nominations.</sup> into wards, in each ward, if the board thinks fit, and the board shall give at least six days' notice of the meeting.

(2) The board shall by resolution name the returning <sup>Returning officer.</sup> officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer, a chairman chosen by the meeting shall preside. R.S.O. 1897, c. 294, s. 31, pars. 1 and 2.

(3) If at the meeting only the number of candidates <sup>Proceedings at nominations.</sup> necessary to fill the vacant offices is proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places, and in each ward, where wards exist, as shall be determined by resolution of the board. R.S.O. 1897, c. 294, s. 31, par. 3.

(4) The polls shall be opened at ten o'clock in the fore- <sup>Hours of polling.</sup> noon, and shall continue open until five o'clock in the after-

noon, and no longer, and a poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. R.S.O. 1897, c. 294, s. 31, par. 4.

Place for  
nomination  
and election.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings, and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof. R.S.O. 1897, c. 294, s. 31, par. 5.

Duty of  
returning  
officer after  
close of  
election.

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer. R.S.O. 1897, c. 294, s. 31, par. 6.

Duty of  
secretary.

(7) The secretary shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes. R.S.O. 1897, c. 294, s. 31, par. 7.

Casting  
vote.

(8) If two or more candidates have an equal number of votes, at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates, so as to decide the election. R.S.O. 1897, c. 294, s. 31, par. 8, *amended*.

Voting to  
be open.

(9) The voting for the election of trustees and for all other urban school purposes, shall be by open vote except as otherwise provided by section 40. R.S.O. 1897, c. 294, s. 31, par. 12.

In cities and  
towns  
divided into  
wards clerk  
of municip-  
ality to  
furnish  
voters' list  
to school  
board.

(10) In a city or town divided into wards the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon the voters' list. R.S.O. 1897, c. 294, s. 31, par. 13.

(11) In towns not divided into wards, and in villages, the clerk of the municipality shall furnish to the board within three days after request in writing, the voters' list for each polling sub-division in such town or village, as provided by the next preceding subsection. R.S.O. 1897, c. 294, s. 31, par. 14.

In towns not divided into wards, and in villages, clerk to furnish voters' list to school board.

(12) The board shall provide every polling place with such lists and with a poll book. R.S.O. 1897, c. 294, s. 31, par. 15, *part*.

Certified copy of list and a poll book to be provided for each polling place.

(13) At every election at which a poll is demanded, the returning officer or chairman, or the poll clerk, shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names and residences of the school supporters offering to vote at the election, and shall, in each column in which is entered the name of the candidate voted for, set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question, the name of each voter shall be similarly placed opposite separate columns headed "for" or "against." R.S.O. 1897, c. 294, s. 31, par. 15, *part*.

Entries in poll book.

(14) If an objection is taken to the right of any person to vote, the returning officer or chairman shall require the person whose right to vote is objected to, to take the declaration mentioned in subsection 7 of section 27. R.S.O. 1897, c. 294, s. 31, par. 16.

Declaration by voters.

(15) Where a school supporter resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. R.S.O. 1897, c. 294, s. 31, par. 18.

Where person residing out of municipality to vote.

**40.**—(1) The board may, by resolution, passed between the first day of May and the first day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Adoption of ballot.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 39. R.S.O. 1897, c. 294, s. 32 (1); 3 Edw. VII. c. 34, s. 3.

Trustees may discontinue use of ballot at election.

(3) Where the board requires the voting to be by ballot, and elections are so held, no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued, the provisions of section

Ballot not to be discontinued or resumed for three years after the change.

39 shall apply for a period of three years at least after such discontinuance. R.S.O. 1897, c. 294, s. 32 (2).

Municipal  
Act to  
apply.

Exceptions  
as to:—

41. Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to re-count, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis* with the following exceptions:

Form of  
oath,

(a) The oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic Separate School supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift, and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

Casting  
vote,

(b) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the Board, give a vote for one or more of such candidates so as to decide the election;

[See 9 Edw. VII. c. 89, s. 60 (j).]

Duties of  
secretary,  
and

(c) The duties to be performed by the clerk shall be performed by the secretary; and

substitution  
of "secre-  
tary" for  
"clerk."

(d) Substituting for the words "clerk" or "clerk of the municipality," wherever they occur, the word "secretary." (*New.*)

*Irregularities not to void Elections.*

No election  
to be  
invalid for  
want of  
compliance  
with prin-  
ciples of  
Act where  
result not  
affected.

42. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1897, c. 294, s. 32 (38).

*Controverted*



*Controverted Elections.*

43.—(1) A judge of the county or district court, if a com-<sup>Judge of County Court to receive and investigate complaints.</sup>plaint respecting the validity or mode of conducting the election of any trustee, in any municipality within his county or district, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same.

(2) The judge may by order cause the assessment rolls, <sup>Evidence.</sup>collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

(3) The judge may order a person found by him not <sup>Powers of judge.</sup>to have been duly elected to be removed; and if the judge determines that any other person was duly elected, he may order him to be admitted; and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held, and shall report such decision to the secretary of the board. R.S.O. 1897, c. 294, s. 31, par. 9.

(4) The provisions of *The Municipal Act* as to bribery <sup>Municipal Act to apply.</sup>and undue influence shall apply, and, where the election is <sup>Act to apply.</sup>complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. *New.* See 9 Edw. VII. c. 89, s. 65.

## MEETINGS OF THE BOARD.

44.—(1) At the first meeting in each year the secretary <sup>Chairman at first meeting.</sup>shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. R.S.O. 1897, c. 294, s. 31, par. 20.

(2) In case of an equality of votes at the election of <sup>Casting vote.</sup>chairman, the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. R.S.O. 1897, c. 294, s. 31, par. 21.

(3) Subsequent meetings of the board shall be held at <sup>Meetings of board.</sup>such times and places as may, from time to time, be fixed by resolution of the board. R.S.O. 1897, c. 294, s. 31, par. 22.

Special  
meetings.

(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board, specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. *New.*

Presiding  
officer of  
board.

(5) The chairman shall preside, or, in his absence, any member appointed to act as chairman by the majority of those present; and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1897, c. 294, s. 31, par. 23.

Quorum of  
school  
boards, etc.

(6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum. R.S.O. 1897, c. 294, s. 31, par. 24, *amended.*

#### DUTIES AND POWERS OF TRUSTEES.

Duties of  
board.

**45.** It shall be the duty of every Board and it shall have power to

To appoint  
secretary  
and  
collector.

(a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate bills;

Collector,  
secretary-  
treasurer,  
etc., may be  
members.

(a) The collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality; R.S.O. 1897, c. 294, s. 33, par. 1.

Appoint-  
ment of  
auditors.

(b) appoint annually on or before the 1st day of December an auditor or auditors; R.S.O. 1897, c. 294, s. 28, par. 5, *part*;

Accounts.

(c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money; R.S.O. 1897, c. 294, s. 28, par. 6, *part.*

Adequate  
accommoda-  
tion.

(d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the Regulations, for all children between the ages of five and twenty-one years of  
the

the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year; (*See* R.S.O. 1897, c. 294, s. 28, par. 8; s. 33, par. 2.)

- (e) acquire or rent school sites and premises, and build, <sup>Acquisition of school premises.</sup> repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition; (*See* R.S.O. 1897, c. 294, s. 28, par. 11; s. 33, par. 3; and cf. 9 Edw. VII. c. 89, s. 72 (e) ).
- (f) where the board does not appoint a collector, apply <sup>Collection of rates.</sup> to the municipal council on or before the first day of August in each year for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums; (*See* R.S.O. 1897, c. 294, s. 28, par. 9; s. 33, s. 5.)
- (g) give notice in writing, before the 15th day of January in each year, to the Department of Education of the names and post-office addresses of the trustees then in office, and of the teachers employed by the board, and give reasonable notice in writing, from time to time, of any changes therein; R.S.O. 1897, c. 294, s. 28, par. 12. <sup>Notice of names and addresses.</sup>
- (h) give orders on the treasurer of the board for all <sup>Orders for money expended.</sup> money to be expended for school purposes; R.S.O. 1897, c. 294, s. 33, par. 8.
- (i) exempt, in its discretion, from the payment of <sup>Exemptions and notice thereof.</sup> school rates, wholly or in part, any indigent person; and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality, on or before the first day of August; R.S.O. 1897, c. 294, s. 28, par. 13.
- (j) dismiss from a school any pupil who is adjudged <sup>Power of dismissal.</sup> by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school; R.S.O. 1897, c. 294, s. 28, par. 14.

(k)

Possession  
and custody  
of property.

- (k) take possession and have the custody and safe keeping of all school property acquired or given for school purposes; and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes, and hold or apply the same, according to the terms on which it was acquired or received; and dispose, by sale or otherwise, of any school site or school property not required in consequence of a change of school site, or other cause; and convey the same and apply the proceeds thereof to school purposes, or as provided by this Act; R.S.O. 1897, c. 294, s. 28, par. 15; 2 Edw. VII. c. 41, s. 3.

Annual  
report.

- (l) prepare and transmit annually, before the fifteenth day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the Regulations; R.S.O. 1897, c. 294, s. 28, par. 18, *amended*; s. 33, par. 9.

Other  
powers and  
duties.

- (m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act; (*See R.S.O. 1897, c. 294, s. 28, introductory part.*)

Superintendence.

- (n) see that every school under its charge is conducted according to this Act and the regulations and provide school registers and a visitors' book in the prescribed form; R.S.O. 1897, c. 294, s. 28, par. 16, *amended*.

Meeting of  
teachers'  
association.

- (o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Ontario Educational Association or other like association of teachers in Ontario; *New*.

In the case of an urban board,

Kind of  
schools.

- (p) determine the number, kind, grade, and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration, and the duties which they are to perform; R.S.O. 1897, c. 294, s. 33, par. 4.  
(q)

- (q) appoint from its members annually, or oftener if <sup>To appoint a committee for each school.</sup> deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and see that all the schools under its charge are conducted according to the regulations; R.S.O. 1897, c. 294, s. 33, par. 6.
- (r) collect, at its discretion, from the parents or guardians of children attending any school under its charge, a sum not exceeding twenty cents per month per pupil, to defray the cost of text-books, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of text-books; R.S.O. 1897, c. 294, s. 33, par. 7.
- (s) expend such sums as it may deem expedient for <sup>Cadet corps and athletics.</sup> establishing and maintaining cadet corps and for promoting and encouraging gymnastic or other athletic exercises, not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill; 2 Geo. V. c. 76, s. 29 (1).

In the case of a rural board,

- (t) appoint the place of each annual school meeting <sup>Time and place of meetings.</sup> of the supporters of the school, and the time and place of any special meeting for
- (i.) filling any vacancy in the board;
  - (ii.) the selection of a new school site,
  - (iii.) the appointment of a school auditor, or
  - (iv.) any other school purpose, and cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting; R.S.O. 1897, c. 294, s. 28, par. 7.

(u)

Payment of  
salaries.

- (u) arrange for the payment of teachers' salaries quarterly, and, if necessary, borrow on its promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, the money required for that purpose, until the taxes are collected; R.S.O. 1897, c. 294, s. 28, par. 10.

Annual  
report.

- (v) cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors; R.S.O. 1897, c. 294, s. 28, par. 17.

Report on  
blind, deaf  
and dumb.

- (w) ascertain and report to the Minister of Education at least once in each year the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind. (*New.*)

#### VACANCY IN OFFICE OF TRUSTEE.

Vacancy in  
office of  
trustees.

- 46.**—(1) If a vacancy in the office of trustee occurs from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

Proceedings  
at new  
election.

- (2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and in the case of an urban board the board shall give at least six days' notice of the meeting for the nomination of candidates, and if a poll is demanded, the election shall be held one week from the day of the nomination. R.S.O. 1897, c. 294, s. 31, pars. 10 and 11, *amended*.

#### TEACHERS.

Valid agree-  
ments with  
teacher.

- 47.** Every agreement between a board and a teacher, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. R.S.O. 1897, c. 294, s. 34.

Duties of  
teacher.

- 48.** It shall be the duty of every teacher to,

(a)

- (a) teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his agreement with the board and according to the provisions of this Act and the Regulations; To teach according to law.
- (b) keep in the prescribed form the general, entrance, and daily class, or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils; To keep the register of the school.
- (c) maintain proper order and discipline in his school, according to the Regulations; To maintain order and discipline.
- (d) keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit; To keep a visitors' book.
- (e) afford the trustees and visitors access at all times when desired by them, to the registers and visitors' book. To give access to register and visitors' book.
- (f) deliver up the school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the board; Deliver up register and key.
- (i) in case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board; In case of refusal.
- (g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school-house, and through the pupils to their parents or guardians; To hold public quarterly examinations.
- (h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give, respecting anything connected with the operations of his school, or in any wise affecting its interest or character. To furnish information to the Minister and Inspector.
- (i) prepare so far as the school registers supply the information, such reports of the board as are required by the Regulations. R.S.O. 1897, c. 294. s. 35. To prepare reports.

**49.** An authorized text book in actual use may be changed by the teacher for any other authorized text book on the same subject, with the written approval of the board, and subject

Change of text books.



subject to the Regulations. *New. See 9 Edw. VII. c. 89, s. 84.*

Certificates  
to teachers  
of separate  
schools.

**50.** Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations, and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1897, c. 294, s. 36, *amended*.

Proportion  
of salary  
to which  
teacher is  
entitled.

**51.** Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R.S.O. 1897, c. 294, s. 37, *amended*; and *see 9 Edw. VII. c. 89, s. 85 (3).*

Case of  
sickness.

**52.** Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1897, c. 294, s. 38; and *see 9 Edw. VII. c. 89, s. 85 (4); 1 Geo. V. c. 17, s. 56.*

Four weeks  
allowed.

Protection  
of teachers  
in regard  
to salary.

**53.** If at the expiration of a teacher's engagement his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, if an action to recover it is commenced within three months after the salary is due and payable. *See R.S.O. 1897, c. 294, s. 39; and see 9 Edw. VII. c. 89, s. 85 (5).*

Provision  
in case of  
difference  
between  
teacher and  
trustees.

**54.—(1)** All matters of difference between a board and a teacher, in regard to salary or other remuneration, whatever may be the amount in dispute shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided by this Act. *See R.S.O. 1897, c. 294, s. 40; and see 9 Edw. VII. c. 89, s. 85 (6).*

When judge  
may relieve  
board from  
extra  
liability.

**(2)** If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 53, in whole or in part. *New. See 9 Edw. VII. c. 89, s. 85 (7).*

## ASSESSMENTS, BORROWING POWERS AND GRANTS.

**55.**—(1) Every person paying rates, whether as owner or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto, shall be exempt from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school.

Supporters of separate schools exempted from payment of public school rates on giving certain notice.

(2) The notice shall not be required to be renewed annually.

No renewal required.

(3) Where an owner or tenant is not, on or before the first day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, but subsequently becomes so resident, or liable to be so rated, before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March, of the year in which it is given.

Time for giving notice by separate school supporter becoming resident in municipality.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice, to the effect that the same has been given, and showing the date thereof.

Certificate of notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and in addition shall incur a penalty of \$40.

Penalty for wilful false statements in notice.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools or public school libraries or for the erection of a school house or school houses, imposed before the establishment of the separate school.

Exemption as to rates imposed before separate school established.

R.S.O. 1897, c. 294, s. 42.

**56.** Subject to the other provisions of this Part no person shall be deemed a supporter of a separate school unless he resides within three miles, in a direct line, of the site of the school house.

Residence of supporters of separate schools.

R.S.O. 1897, c. 294, s. 43.

Where separate school supporter resides within three miles of two or more schools.

**57.**—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools, shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter. R.S.O. 1897, c. 294, s. 44; 3 Edw. VII. c. 34, s. 4.

Savings as to debenture debt.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. (*New.*)

Where person residing out of municipality to vote.

**58.** When a supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or polling subdivision in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. R.S.O. 1897, c. 294, s. 45.

Liability of non-resident supporter.

**59.**—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides, he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

How enforceable.

(2) The board of the school of which he is a supporter shall on or before the first day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. (*New.*)

Non-residents may require school tax to be appropriated to a separate school.

4 Edw. VII. c. 23.

**60.** Any person, who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality, may, on giving the notice provided for by *The Assessment Act*, that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1897, c. 294, s. 46.

**61.**—(1) A Roman Catholic who desires to withdraw his support from a separate school, shall give notice thereof in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed to be a supporter of the school. Persons withdrawing support from separate school to give notice.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support. R.S.O. 1897, c. 294, s. 47. Exception.

**62.**—(1) The clerk of every municipality shall keep entered in an Index Book, Form A, and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by section 55, or by former Acts respecting separate schools. Index Book of supporters of separate schools to be kept by clerk.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 61, or by any such other Act, with the date of such withdrawal; or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance. Entries.

(3) The Index Book shall be open to inspection by any ratepayer. Inspection.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received. R.S.O. 1897, c. 294, s. 48. Filings.

(5) The assessor shall be guided by the entries in the Index Book in ascertaining who have given the prescribed notices. R.S.O. 1897, c. 294, s. 48, *part*. Assessor to be guided by Index Book.

**63.**—(1) If it appears to the council of any municipality after the final revision of the assessment roll, that through mistake or inadvertence a ratepayer has been entered on the Correction of mistakes in assessing separate school supporters

roll either as a supporter of separate schools or as a supporter of public schools, the council after due inquiry and notice may correct such error, by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

**Liability.** (2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1897, c. 294, s. 50.

**Collector's roll—  
further  
columns.**

**64.**—(1) The clerk of every municipality, in making out the collectors' roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts," public school purposes may be distinguished from separate school purposes.

**Distinction  
of rates.**

(2) The proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R.S.O. 1897, c. 294, s. 51.

**Case of  
owner and  
occupant.**

**65.**—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner and tenant as to the payment of taxes as between themselves shall alter or affect this provision.

**When  
owner may  
exercise  
option.**

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1897, c. 294, s. 53.

**Corporation  
may require  
school rate  
to be  
applied to  
separate  
schools.**

**66.**—(1) A corporation by notice, Form B, to the clerk of any municipality wherein a separate school exists, may require the whole or any part of the land of which such corporation is either the owner and occupant, or, not being the owner, is the tenant, occupant or actual possessor, and

the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school.

(2) The assessor shall thereupon enter the corporation <sup>Duty of assessor.</sup> as a separate school supporter in the assessment roll in respect of the land and business or other assessments, designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or <sup>How proportions settled.</sup> other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares. 4 Edw. VII. c. 24, s. 6, *amended*, and see 5 Edw. VII. c. 13, s. 26 (5).

(4) A notice given in pursuance of a resolution of the directors shall be sufficient, and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors. <sup>Effect of notice.</sup>

(5) Every notice so given shall be kept by the clerk on <sup>Filing notice.</sup> file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

(6) The assessor shall in each year before the return of the assessment roll search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. 5 Edw. VII. c. 13, s. 26. <sup>Search for notices.</sup>

**67.**—(1) The board of a separate school may impose and <sup>Powers of trustees.</sup> levy school rates and collect school rates and subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions, who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.



Lands on  
which there  
are rates  
uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of their being no person resident thereon, or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality, before the end of the then current year, of such land and the uncollected rates thereon.

Return.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land, and the arrears of separate school rates thereon.

Collection  
of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate, shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1897, c. 294, s. 55.

Trustees  
may copy  
assessment  
roll of  
municipality.

**68.** The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1897, c. 294, s. 56.

Clerk to  
give trustees  
annual  
statement of  
supporters  
of separate  
schools.

**69.** The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing, showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 55, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1897, c. 294, s. 57.

Collection  
of school  
rates.

**70.**—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year, upon the taxable property liable to pay the same, all sums of money for rates or taxes imposed thereon in respect of separate schools.

Expenses  
of collection.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers, shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter



thereafter, and not later than the fourteenth day of December in each year, be paid over to the board, without any deduction whatever. R.S.O. 1897, c. 294, s. 58.

**71.** In a municipality in which the assessment is made under a by-law passed under section 53 of *The Assessment Act*, the notices required to be given under subsection 1 of section 55 shall be given on or before the fifteenth day of July, and the notice required to be given under subsection 1 of section 61 shall be given on or before the fourth Wednesday in May, and the request referred to in section 70 shall, if given, be given at the time mentioned therein or prior thereto if required by the council; and in subsection 3 of section 55 the words "first day of March" in the second and ninth lines thereof shall be read "fifteenth day of July." 4 Edw. VII. c. 34, s. 2.

Dates for giving certain notices where taxes collected on assessment of preceding year.

**72.**—(1) A separate school board, and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years, that for each year of the term, and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes, the agreement shall not be in force for or apply to such year.

Exception.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. R.S.O. 1897, c. 294, s. 59.

Termination.

**73.** The separate school board of a municipality or in a school section or Union School Section shall have and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be.

Right to establish and maintain continuation schools.

**74.**—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities

County rate in aid of schools.

cipalities, a sum, at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise equivalent to legislative grant for fifth classes.

(2) The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant for public and separate school purposes, which is apportioned to the schools in the municipality for fifth classes and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportionment of school moneys in united counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county. (*See* 9 Edw. VII. c. 89, s. 90.)

Grant for maintenance of fifth forms.

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms, the council of the county in which the school is situate shall pay towards the maintenance of the fifth form, a sum at least equal to the share of such legislative grant, which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient. *New.* (*See* 9 Edw. VII. c. 89, s. 90 (2).)

How apportioned between counties.

(5) In the case of a separate school having in attendance children from two or more counties, the council of each county shall pay a proportion of the whole sum required to be paid under subsection 4, which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. *New.*

Borrowing powers of trustees of separate schools.

**75.**—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of moneys payable or to be paid for school

sites, school buildings, or additions thereto, or the repairs thereof, upon the school-house property and premises, or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates, shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected. Terms of payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures; and the debentures shall be a charge on the same property and the rates, as in the case of mortgages thereof made by the board. Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. Maturity. 3-4 Geo. V. c. 43.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year, a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds. Sinking fund. 3-4 Geo. V. c. 43.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly, or oftener, in the city, town or county in which the separate school is situate; and if no application to quash the by-law is made for three months after the publication thereof, the by-law shall be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same. R.S.O. 1897, c. 294, s. 61 (1-6), *redrafted*. Publication of by-law.

(7)

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. 2 Edw. VII. c. 41, s. 1.

Separate schools entitled to share of the public grant.

**76.**—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority, according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R.S.O. 1897, c. 294, s. 62.

Apportionment.

(2) Where the grant is made by a county council, the same shall be apportioned in like manner as the legislative grant. *New.*

*Note.*—As to the apportionment of the legislative grant, see *The Department of Education Act as amended by 10 Edw. VII. c. 102, s. 1.*

But not to any share of local assessment for public schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village, or township in which the school is situate. R.S.O. 1897, c. 294, s. 63. *Amended.*

#### MISCELLANEOUS.

Visitors of separate schools.

**77.** The Minister of Education, the judges of all courts, Members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools, and clergymen of the Roman Catholic Church, shall be visitors of separate schools. R.S.O. 1897, c. 294, s. 65.

Inspection of schools.

**78.** The schools, with their registers, shall be subject to such inspection as may be directed by the Minister of Education, and shall be subject also to the regulations. R.S.O. 1897, c. 294, s. 66.

Model schools for teachers of separate schools.

**79.** The Minister of Education may, subject to the Regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1897, c. 294, s. 67.

Disagreement between trustees, inspectors, etc.

**80.** In the event of a disagreement between a board and the inspector of public schools, or any municipal authority or of a complaint against the election of a rural school trustee, or against the establishment of a school in close proximity

to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned, or of such existing school, the matter in difference shall be determined by the Minister of Education, subject to an appeal to the Lieutenant-Governor in Council, whose decision shall be final. R.S.O. 1897, c. 294, s. 69, *amended*.

#### SUPERANNUATION.

**81.** Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund in such manner as may be prescribed by the Regulations, at least \$4 annually, but no payment of arrears which accrued before the first day of January, 1885, shall be allowed. R.S.O. 1897, c. 294, s. 70; and *see* 1 Edw. VII. c. 39, s. 91, and 9 Edw. VII. c. 89, s. 105. Superannuation fund.

**82.** On the death of any such teacher or inspector, the wife, husband, or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. R.S.O. 1897, c. 294, s. 71. Repayment to wife, etc. of deceased teacher.

**83.**—(1) Every such teacher and inspector who, while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service. R.S.O. 1897. c. 294, s. 72 (1). Right of teacher to retire on reaching sixty years of age.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age, if he has served for a period of thirty years. *New. See* 1 Edw. VII. c. 39, s. 92 (2). Or after 30 years' service.

**84.** Every such teacher and inspector under sixty years of age, who has so contributed, and who is disabled from practising his profession, shall be entitled to a like annual allowance, upon furnishing evidence as to length of service, moral character and disability. R.S.O. 1897, c. 294, s. 73. Teachers under sixty

**85.**—(1) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive Extra allowance to certain teachers.

ceive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute. R.S.O. 1897, c. 294, s. 74.

**Cessor.** (2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. R.S.O. 1897, c. 294, s. 75, *amended*.

**Teacher  
resuming  
profession.**

**86.** If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, the payment of his allowance shall be suspended during the time he is so engaged; and if he is again placed on the superannuation list, an allowance for the additional time of service shall be made on compliance with this Act, and the regulations. R.S.O. 1897, c. 294, s. 76, 77.

**Again  
retiring.**

**Forfeiture  
of claim.**

**87.** A teacher or inspector who, having resumed his profession wilfully draws or continues to draw upon the superannuation fund, shall forfeit all claim to the fund, and his name shall be struck off the superannuation list. R.S.O. 1897, c. 294, s. 78.

**Repayment  
to contri-  
butors.**

**88.** A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund, shall be entitled to receive back one-half of any sum contributed by him to the fund. R.S.O. 1897, c. 294, s. 80, *amended*.

**Teachers  
not avail-  
ing them-  
selves of  
Act.**

**89.** Where a teacher or inspector does not avail himself of the provisions of section 81, or of section 88, sections 82 to 87 shall apply so far as relates to all sums already paid by them into the superannuation fund. R.S.O. 1897, c. 294, s. 79.

**Grant by  
board to  
superannu-  
ation fund.**

**90.—(1)** Subject to the Regulations, the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. *New.* (See 9 Edw. VII. c. 89, s. 108.)

**Power of  
investment.**

(2) A separate school board may invest any money received through, legacy, gift, or otherwise, in its hands for the purposes of a superannuation fund, and as to such money

may



may have and may exercise the powers conferred upon trustees by *The Trustee Act. New. See* 2 Geo. V. c. 76, s. 15, amended.

#### TERMS AND HOLIDAYS.

**91.**—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. 2 Geo. V. c. 76, s. 30.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday. R.S.O. 1897, c. 294, s. 81 (3)

(3) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 2 shall be allowed in each year. *New. See* 9 Edw. VII. c. 89, s. 7 (3).

#### PENALTIES AND PROHIBITIONS.

**92.** If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. *See* 9 Edw. VII., c. 89, s. 112.

**93.** Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees, shall incur a penalty of not less than \$5, and not more than \$10. R.S.O. 1897, c. 294, s. 80 and *See* 9 Edw. VII. c. 89, s. 113.

**94.** A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R.S.O. 1897, c. 294, s. 83.



Seat vacated  
by conviction  
for  
crime, etc.

**95.** If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat, and the remaining trustee or trustees shall declare his seat vacant. R.S.O. 1897, c. 294, s. 84, *amended*.

Seat vacated  
by interest  
in contract  
with cor-  
poration.

**96.**—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Procedure.

(2) On the complaint of two supporters of the school or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and the remaining trustee or trustees shall forthwith order a new election. R.S.O. 1897, c. 294, s. 85, *amended*, and see 9 Edw. VII. c. 89, s. 118 (1), (2).

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services, as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes. *New.* See 9 Edw. VII. c. 89, s. 118 (3).

Newspaper  
proprietors  
inserting  
official  
advertisements  
not  
disqualified  
from sitting  
on boards,  
etc.

(4) No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. *New.* See 9 Edw. VII. c. 89, s. 119.

Penalty for  
disturbing  
a school  
or school  
meeting.

**97.** Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either

within

within the place where such meeting is held or such school is kept, or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall, for each offence, incur a penalty not exceeding \$20. R.S.O. 1897, c. 294, s. 86, and *see* 9 Edw. VII. c. 89, s. 120.

**98.** A trustee who refuses to serve after being duly elected, shall incur a penalty of \$5 and a person elected as a trustee who, as such, attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. *New. See* 9 Edw. VII. c. 89, s. 114. Penalty for refusing to serve as trustee.

**99.** Every person elected as trustee who has not refused to accept the office, and who at any time refuses, or neglects to perform its duties, shall incur a penalty not exceeding \$20. R.S.O. 1897, c. 294, s. 88, and *see* 9 Edw. VII. c. 89, s. 115. Penalty for refusing to perform duties.

**100.** A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. *New. See* 9 Edw. VII. c. 89, s. 121. Penalty for refusing to transmit minutes.

**101.** If a board refuses or neglects to take proper security from the treasurer, or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money, and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1897, c. 294, ss. 90, 91; and *see* 9 Edw. VII. c. 89, s. 122. Liability for neglect to take security. Responsibility in case of lost school moneys.

**102.** A secretary or treasurer and a person having been a secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money, which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the board, or by other competent authority. R.S.O. 1897, c. 294, s. 92 (1), and *see* 9 Edw. VII. c. 89, s. 123. Secretary-treasurer, or trustee refusing to account.

**103.**—(1) Upon application to a judge of the county or district court, by the board, or by any two supporters of the school

school, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustee, or person, to appear before him, at a time and place appointed by him.

Service  
of order.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against, personally or by leaving the same with a grown-up person at his residence. R.S.O. 1897, c. 294, s. 92 (2) and (3), and *see* 9 Edw. VII. c. 89, s. 124 (1) (2).

Order to  
account, etc.

(3) At the time and place so appointed, the judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded the judge shall order the person complained against to deliver up, account for, and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. R.S.O. 1897, c. 294, s. 93, and *see* 9 Edw. VII. c. 89, s. 124 (3).

Effect of  
non-compliance with  
judge's  
order.

(4) In the event of non-compliance with the order, the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up accounted for, or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge  
upon compliance.

(5) Upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly. R.S.O. 1897, c. 294, s. 94, and *see* 9 Edw. VII. c. 89, s. 124 (4), (5).

Or upon  
willingness  
to comply.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just. *New. See* 9 Edw. VII. c. 124 (6).

Other  
remedy not  
affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against, or against any other person. R.S.O. 1897, c. 294, s. 95, and *see* 9 Edw. VII. c. 89, s. 124, (7).

**104.** It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or of him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1897, c. 294, s. 96, and *see* 9 Edw. VII. c. 89, s. 125.

Penalty on trustees refusing information, etc., to auditors.

**105.** If a board neglects to transmit its annual report to the Minister in accordance with paragraph 12 of section 45, each of them shall, for every week during which the default continues and until such report is transmitted, incur a penalty of \$5. R.S.O. 1897, c. 294, s. 98.

Penalty for delaying yearly report.

**106.** If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, he shall, for every offence, incur a penalty not exceeding \$20. R.S.O. 1897, c. 294, s. 99, and *see* 9 Edw. VII. c. 89, s. 128.

Penalty for false school reports and registers.

**107.**—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Trustees personally responsible for moneys lost.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1897, c. 294, s. 100.

Collection and application.

#### RECOVERY OF PENALTIES.

**108.** Except as otherwise provided, the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such separate school purposes as the Minister may direct. *See* R.S.O. 1897, c. 294, ss. 86, 88, 98, 99, 101.

Recovery of penalties.

**109.** Chapter 294 of the Revised Statutes of Ontario, chapter 37 of the Acts passed at the second session held in the sixty-second year of the reign of Her late Majesty Queen Victoria, chapter 41 of the Acts passed in the second year, chapter 34 of the Acts passed in the third year, section 6 of chapter 24 and chapter 34 of the Acts passed in the fourth year, section 26 of chapter 13 of the Acts passed in the fifth year, and chapter 68 of the Acts passed in the eighth year of the reign of his late Majesty King Edward the Seventh and section 29 of chapter 76 of the Acts passed in the second year of His Majesty's reign, are repealed.

Repeal.

## FORM A.

## FORM OF INDEX BOOK.

(Section 62.)

Names.	Notices claiming exemption. When received.	Remarks.
Allen, John .....	3rd February, 19 .	Notice of withdrawal received 1st January, 19 .
Ardagh, Joseph .	3rd February, 19 .	Disallowed by Court of Revision, 1st June, 19 .
Ashbridge, Robert.	3rd February, 19 .	

R. S. O. 1897, c. 294, Schedule G.

## FORM B.

(Section 66.)

## NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of the said company.

4 Edw. VII. c. 24, s. 6.

## CHAPTER 72.

## An Act respecting Continuation Schools.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as "*The Continuation Schools* Short title.  
*Act.*" 9 Edw. VII. c. 90, s. 1.

**2.** In this Act,—

Interpreta-  
tion.

- (a) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers; "Mainten-  
ance."
- (b) "Minister" shall mean Minister of Education; "Minister."
- (c) "Municipality" shall include a city, town, village or township, but not a county; "Municipal-  
ity."
- (d) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, "Permanent  
improve-  
ments."

the

the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations:

9 Edw. VII.  
c. 88.

(e) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*. 9 Edw. VII. c. 90, s. 2, *amended*.

Establish-  
ment of  
schools by  
school  
boards.

3.—(1) Subject to the Regulations, and to the approval of the Minister the public school board of any municipality or school section or a separate school board may establish and maintain one continuation school with a staff of at least one teacher engaged for his whole time. 9 Edw. VII. c. 90, s. 4 (1), *amended*.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards, as to acquiring a school site, erecting buildings and additions to existing buildings and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools. 9 Edw. VII. c. 90, s. 4 (2), *amended*.

Agreements  
among  
boards.

(3) Subject to the Regulations, and to approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined. 9 Edw. VII. c. 90, s. 4 (3), *amended*.

Continua-  
tion School,  
to be under  
committee.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively. *New*.

Committee  
to be a body  
corporate.

(5) The committee shall be a body corporate and shall be styled The Board of Trustees of the Continuation School of the (naming the municipality or school section or sections). *New*.



(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. 9 Edw. VII. c. 90, s. 4 (5).

(7) Subject to subsection 8 for the purposes of subsections 1 and 2 of section 91 of *The Public Schools Act* a continuation school shall be deemed a public school. 9 Edw. VII. c. 90, s. 4 (6).

(8) Where the continuation school is established by one or more public school boards the amount to be levied and collected by the township council under section 91 of *The Public Schools Act* shall be levied upon the taxable property of the public school supporters, and where the school is established by one or more separate school boards the amount to be levied shall be levied upon the supporters of such separate schools.

4.—(1) All sums required to be provided for the support of a continuation school established under section 3, after deducting from the expenditures the Legislative and county and other municipal grants, shall be provided for by a rate levied,

(a) where the school is established by the board of an urban municipality or of a public school section, or by the board of an urban municipality and two or more public school sections, or by the boards of two or more public school sections on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;

(b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;

(c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assess-

ment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment and taxation for separate school purposes in the proportions fixed by or under the agreement for the establishment of the school. *New.*

Admission  
of pupils—  
children of  
supporters.

**5.**—(1) Pupils whose parents are supporters of the School may be admitted free or charged such fees as the Board may determine but such fees shall be uniform for all such pupils.

Children  
of non-  
supporters.

(2) Pupils whose parents are not supporters of the school may be admitted for the first year after the establishment of the School on payment of such fees as may be mutually agreed upon by the board and the parents of the pupils, and thereafter on the payment of such fees as the board may determine, but all such fees shall be uniform, and the fee shall not exceed an amount equal to the cost per pupil of the maintenance of the school as ascertained by taking the total cost of maintenance of the school for the year next preceding after deducting the amount of the legislative and county grants and dividing it by the average number of all the pupils in attendance for the same year.

Payment  
of lump  
sum in lieu  
of fees.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established, or the board of the continuation school, as the case may be, for the payment by such first mentioned board of a lump or other annual sum in lieu of the fees payable under subsection 2. 9 Edw. VII. c. 90, s. 4 (7), s. 8, *amended.*

Schools not  
to be estab-  
lished where  
there are  
High  
Schools.

**6.** A continuation school shall not be established or maintained in a municipality in which a high school is maintained or in any other part of a high school district. 9 Edw. VII. c. 90, s. 9, *amended.*

County  
grant.

**7.** The council of the county in which the continuation school is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the Legislative grant.

Extra con-  
tributions  
by county  
council.

**8.**—(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county, but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools, in proportion to the amount which the council is required to contribute to their support. 9 Edw. VII. c. 90, s. 10 (1), *amended.*

(2) The council of a county may by a two-thirds vote of <sup>When two-thirds vote required.</sup> all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein. *New.*

(3) The council of united counties may apportion the <sup>Apportionment</sup> amount to be levied for continuation schools so that each <sup>ment</sup> county in the union shall be liable only for sums payable <sup>between</sup> in respect to continuation schools situate therein. 9 Edw. VII. c. 90, s. 10 (2).

(4) Where an agricultural department is established by <sup>Grant from county for agricultural department.</sup> the Minister in a continuation school, the council of the county in which the continuation school is situate, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department. 9 Edw. VII. c. 90, s. 10 (3).

(5) Where the continuation school is situate in an urban <sup>Schools situate in municipality or section forming part of two or more counties.</sup> municipality, or in a union school section parts of which are in two or more counties the amount payable under subsections 1 and 4, by the corporation of each county shall be determined in the manner provided by section 29 of *The Public Schools Act.* *New.*

9. Pupils whether resident or non-resident may be ad- <sup>Admission of pupils</sup> mitted to a continuation school in accordance with the Regulations governing the admission of pupils to high schools. 9 Edw. VII. c. 90, s. 11, *amended.*

10. Every teacher appointed as principal or assistant <sup>Qualification of teachers.</sup> in a continuation school shall possess the qualifications prescribed by the Regulations. 9 Edw. VII. c. 90, s. 12.

11. The courses of study in continuation schools shall be <sup>Courses of study.</sup> such as are prescribed by the Regulations. 9 Edw. VII. c. 90, s. 13.

2.—(1) Every continuation school which has been es- <sup>County Continuation Schools to become high schools.</sup> tablished under the provisions of Part II. of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty, King Edward the Seventh, chaptered 90, shall on and after the first day of July, 1913, become and be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act.*

Present  
trustees  
continued  
in office.

(2) The trustees of a continuation school holding office at the time it becomes a high school under the provisions of subsection 1, shall be the trustees of it, until trustees are appointed under the provisions of *The High Schools Act*, and the new board is organized.

When  
principal  
may con-  
tinue as  
principal  
of high  
school.

(3) The principal of a continuation school at the time it becomes a high school under this section, shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school until it has a staff of more than two teachers engaged for their whole time. *New.*

Repeal.

**13.** Chapter 90 of the Acts passed in the 9th year of the reign of His late Majesty, King Edward the Seventh and sections 16 and 17 of chapter 76 of the Acts passed in the 2nd year of the reign of His present Majesty are repealed.

## CHAPTER 73.

## An Act respecting Education for Industrial Purposes.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Industrial Education Act*. Short title.  
1 Geo. V. c. 79, s. 1.

**2.** In this Act—

Interpretation.

(a) “Board” shall mean and include a Board of Education, a Board of High School Trustees, and a Board of an Urban Continuation School;

(b) “Minister” shall mean Minister of Education; “Minister.”

(c) “Regulations” shall mean regulations made under the authority of *The Department of Education Act*, or of this Act. 1 Geo. V. c. 79, s. 2. “Regulations.”  
9 Edw. VII. c. 88.

**3.** This Act shall apply to all Art, Industrial, and Technical Schools and Courses, heretofore established under Acts of this Legislature respecting High Schools and Technical Schools, and in operation at the time of the passing of this Act; to the Art, Industrial or Technical Schools and Courses established under this Act; and to agricultural and commercial High Schools and High School Courses heretofore or hereafter established under the Regulations. 1 Geo. V. c. 79, s. 3. Application of Act.

## INDUSTRIAL, TECHNICAL, ART SCHOOLS AND COURSES.

**4.** With the approval of the Minister, a High School Board or a Board of Education of any city, town or village, or an Urban Continuation School Board, may provide for duly admitted pupils in the following classes of schools:

(a)

General  
Industrial  
Schools and  
Courses.

- (a) general Industrial Schools and Courses for instruction in such subjects as may form a basal preparation for the trades, including work-shop practice, with correlated drawing, English, practical mathematics and science, and the essential subjects of a good general education;

Special  
Industrial  
Schools and  
Courses.

- (b) special Industrial Schools and Courses, for instruction in the theoretical and practical work of particular trades carried on in the city, town or village, and when deemed desirable in the essential subjects of a good general education;

Technical  
High  
Schools and  
High School  
Courses.

- (c) technical High Schools and High School Courses for instruction for minor directive positions in industrial establishments;

Co-operative  
Industrial  
Courses.

- (d) part-time co-operative Industrial Courses in which and under such conditions as may be agreed upon between the employer and the Advisory Industrial Committee, apprentices, whether articulated or not, employed in the workshops may receive in the day schools instruction bearing upon their trades; and pupils attending the day schools may receive practical instruction in the workshops;

Art  
Schools and  
Courses.

- (e) schools and courses for instruction in the fine and applied arts;

Evening  
Schools for  
workmen  
and work-  
women.

- (f) Industrial, Technical, and Art Evening Schools, in which workmen and workwomen employed during the day may receive theoretical and practical instruction in their trades or callings. 1 Geo. V. c. 79, s. 4.

Admission  
of pupils  
to schools  
and  
courses.

5.—(1) Pupils duly admitted under the Regulations to a High School may be admitted to a Technical High School or High School Course,

Industrial  
schools.

(2) Subject to the Regulations and on the report of the Principal, approved by the Advisory Industrial Committee, pupils of at least the standing of the Fourth Form of the Public and Separate Schools may be admitted to a general or special industrial school or part-time co-operative industrial course or a school or course for instruction in the fine and applied Arts; and

Workmen  
and work-  
women  
employed  
by day.

(3) Workmen or workwomen employed during the day may be admitted to an Industrial, Technical, or Art Evening School

School or Course, subject to the Regulations and on the report of the Principal, approved by the Advisory Industrial Committee, that they are competent to receive instruction therein.

#### ADVISORY COMMITTEES.

6.—(1) Every Technical School established before the 21st March, 1911, and then in operation, and the schools mentioned in section 4, whether heretofore or hereafter established, shall be under the management and control of a Committee composed of eight or twelve persons as the Board may direct, the members of which shall be appointed by the Board as follows:—

- (a) When the number of persons is eight,
- (i) four members of the Board, including one representative of the Board of Public School Trustees and one representative of the Board of Separate School Trustees, if any;
  - (ii) two persons not members of the Board who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district, in which the school is situate; and
  - (iii) two other persons not members of the Board who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district, in which the school is situate.
- (b) When the number of persons is twelve,
- (i) Six members of the Board including one representative of the Board of Public School Trustees and one representative of the Board of Separate School Trustees, if any,
  - (ii) Three persons not members of the Board who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate, and

(iii)



- (iii) Three other persons not members of the Board who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate.

Name of committee.

(2) The Committee shall be known as the Advisory Industrial Committee. 1 Geo. V. c. 79, s. 6.

Advisory, Agricultural and Commercial Committee, how composed.

7.—(1) Where in accordance with the Regulations an Agricultural or a Commercial High School has been or is hereafter established or an Agricultural or a Commercial Course is established in a High School or a Continuation School, such School or Course shall be under the management and control of a Committee composed of eight persons, the members of which shall be appointed by the Board as follows:—

- (a) Four members of the Board, including one representative of the Board of Public School Trustees and one representative of the Board of Separate School Trustees, if any;
- (b) Four persons who are resident ratepayers of the local municipality or of the county or district in which the School is situate or the course is established, who are not members of the Board and who,
  - (i) in the case of an Agricultural High School or Agricultural Course are actually engaged in agricultural pursuits, or
  - (ii) In the case of a Commercial High School or Commercial Course are actually engaged in commercial pursuits. 1 Geo. V. c. 79, s. 14 (1), *amended*.

Name of committee.

(2) The Committee shall be known as the Advisory Agricultural Committee or the Advisory Commercial Committee, as the case may be. 1 Geo. V. c. 79, s. 14.

Appointment of members of Committee.

8.—(1) The first members of an Advisory Committee shall be appointed at the meeting of the Board at which a school or course is established for which an Advisory Committee is to be appointed under this Act.

Tenure of office of members who are members of Board.

(2) The members appointed under clause (a) of subsection 1 of section 6 and clause (a) of subsection 1 of section 7 shall hold office until the expiry of the period for which they were elected or appointed to the Board.

(3)

(3) The term for which the other members of the Committee shall respectively hold office shall be fixed by the Board but shall not exceed three years. Tenure of office of other members.

(4) The Board at its first meeting in each year after the establishment of the school or course shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class. Filling vacancies caused by retirement.

(5) Every vacancy upon a Committee occasioned by death, removal or other cause shall be filled by the appointment by the Board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant. 1 Geo. V. c. 79, s. 8. Filling other vacancies.

(6) The presence of a majority of the members constituting a Committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a Committee. Quorum.

(7) On every question other than the election of a chairman, the chairman or presiding officer of the Committee may vote with the other members of the Committee, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman voting.

(8) The present members of an Advisory Committee shall hold office until their successors are appointed as provided by this Act. Present members to remain in office.

9.—(1) An Advisory Committee may at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable; and members of the Board may be so appointed; but Co-opted members.

(a) in the case of an Advisory Industrial Committee, an equal number of persons so appointed shall be chosen from each of the classes mentioned in clauses (b) and (c) of subsection 1 of section 6; and

(b) in all cases the members so appointed shall belong to the classes from which persons not members of the Board may be appointed by the Board to the committee.

Tenure of office.

(2) The term for which co-opted members of the Committee shall respectively hold office shall be fixed by the Committee, but shall not exceed three years.

Qualification of members not appointed from Board.

**10.** The members of a committee appointed under this Act, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the Board, are specially competent to give advice and other assistance in the management of the school or course under the charge of the committee. 1 Geo. V. c. 79, s. 9.

Powers of Committee subject to approval of Minister and Board.

**11.**—(1) Subject to the approval of the Minister and the Board, every Advisory Committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or course in a High, Public, Separate or Continuation School or other building in the municipality; and to prescribe courses of study and provide for examinations and diplomas.

Powers subject to approval of Board.

(2) Subject to the approval of the Board, the Committee shall employ teachers and fix their salaries; report on every school or course under its charge; fix the fees payable by pupils in attendance; submit annually to the Board, at such date as the Board may prescribe, an estimate of the amount required to carry on the work of the school or course during the year; and generally do all other things necessary for carrying out the objects and intent of this Act with respect to any school or course under its management and control. 1 Geo. V. c. 79, s. 10.

Board, etc., not to refuse approval to any report without chairman, etc., of committee being heard.

(3) The Board shall not refuse its approval of any report of an Advisory Committee without having given the Committee an opportunity to be heard before the Board and before any committee thereof to which such report may be referred, by its chairman or by another member of the Advisory Committee appointed for that purpose.

Officers of the Committee.

(4) The Secretary and other officers of the Board shall be the officers of the Advisory Committees.

Cost of establishing, equipping and maintaining a school, etc.

**12.** Subject to the Regulations the estimates of the Committee of the cost of establishing, equipping, and maintaining the school or course under its management and control when and so far as they have been approved by the Board, shall be included in its estimates submitted to the council of the municipality for the year. 1 Geo. V. c. 79, s. 11.  
*Amended.*

**13.** Subject to the Regulations, the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or courses to which this Act applies. 1 Geo. V. c. 79, s. 12. Apportionment of Legislative grant.

**14.** The Regulations may provide as to any class of schools or courses for the qualifications of teachers; the courses of study; the character of the site, accommodations, and equipment; the maximum and minimum fees that may be charged to pupils; and generally as to any matter relating to the conduct and efficiency of the schools and courses not herein expressly provided for. 1 Geo. V. c. 79, s. 13. Regulations.

**15.** Where an Advisory Committee and the Board of Education or the Board of Public or Separate School Trustees so agree, evening courses in manual training and household science, art, agriculture or commerce under the charge of the Board shall thereafter be under the control and management of the Advisory Industrial, Agricultural, or Commercial Committee, as the case may be. Establishment of evening courses.

**16.** Subject to the approval of the Minister, an Advisory Committee may also establish and conduct special evening courses in any centre in the County outside of the district over which it has jurisdiction. Establishing evening courses in other centres.

#### REPEAL.

**17.** Chapter 79 of the Act passed in the first year of the reign of His Majesty, King George the Fifth is repealed. Repeal.

## CHAPTER 74.

## An Act to amend The University Act, 1906

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.  
c. 55, s. 7,  
subs. 5,  
amended.

1. Subsection 5 of section 7 of *The University Act*, 1906, is amended by striking out the words "The Western Canada College of Calgary," in the 7th and 8th lines of the subsection.

6 Edw. VII.  
c. 55, s. 7,  
subs. 9.

2. Subsection 9 of said section is amended by striking out the word "and" in the first line and adding after the word "College" in the second line the words "and St. Michael's College," and by striking out the word "and" in the last line and adding after the word "College" in that line the words "and St. Michael's College."

6 Edw. VII.  
c. 55, s. 24,  
amended.

3. Section 24 of the said Act is amended by striking out the word "eighteen" and substituting for it the word "twenty-two."

6 Edw. VII.  
c. 55, s. 39,  
par. 8,  
amended.

4. Paragraph 8 of section 39 of the said Act is amended by striking out all the words down to the word "shall" in the third line and substituting therefor the words "The provisions of *The Municipal Act* as to taking lands compulsorily and making compensation therefor and as to the manner of determining and paying the compensation."

6 Edw. VII.  
c. 55, s. 44,  
subs. 3,  
amended.

5. Subsection 3 of section 44 of the said Act is amended by striking out all the words after the word "the" where it first occurs in the fourth line and substituting therefor the words "Assembly forthwith if the Assembly is then in session or if it is not in session within ten days after the commencement of the next session."

6. Section 75 of the said Act is amended by inserting the following as paragraph 1a:—

6 Edw. VII.  
c. 55, s. 75,  
amended.

“(1a) Subject to the provisions of this Act and to the approval of the Board to make rules and regulations for the government, direction and management of the faculty and the affairs and business thereof.”

Regulations  
of Council  
of Faculty  
of Arts.

7. Section 114 of the said Act is amended by inserting after the word “days” in the last line but one, the words “in which shall not be included a Sunday or other holiday.”

6 Edw. VII.  
c. 55, s. 114,  
amended.

8. Section 126 of the said Act is amended by inserting after the word “provided” in the second line the words “or if the full number of members which any body is entitled to elect is not elected,” and by striking out the word “same” in the third line and substituting therefor the words “election or an election of the number of members which such body has failed to elect, as the case may be.”

6 Edw. VII.  
c. 55, s. 126,  
amended.

9. Section 134 of the said Act is amended by inserting after the word “College” in the first line the words “or in St. Michael’s College.”

6 Edw. VII.  
c. 55, s. 134,  
amended.

10. Subsection 1 of section 137 of the said Act is amended by adding after the word “College” in the last line but one the words “or in St. Michael’s College.”

6 Edw. VII.  
c. 55, s. 137,  
subs. 1,  
amended.

## CHAPTER 75.

An Act relating to the Avenues and Approaches  
to Queen's Park, Toronto.*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS by the Agreement dated the second day of March, A.D. 1889, made between Her late Majesty, Queen Victoria (represented for the purposes of such agreement by the Bursar of the University of Toronto) and the Corporation of the City of Toronto, and by the Act confirming the same, being chapter 53 of the Statutes of Ontario, for the year 1889, the right of ingress and egress by the owners of properties adjacent to the Avenue from Queen Street to the Queen's Park and the cross Avenue from Yonge Street (commonly known as College Street) and the other approaches to said Park, to and from their said properties, from and to the said Avenues and approaches, is upon condition that no such adjacent property owner shall erect or maintain upon his said property fronting on said Avenues or approaches any building to be used as a shop, warehouse, factory, hotel, saloon, house of public entertainment, lodging or boarding house, billiard or pool room, bowling alley, or for any purpose that would in law be deemed a nuisance; and whereas owners of certain properties adjacent to said Avenues petitioned the Board of Governors of the University of Toronto (herein called "Governors") that the said conditions should be released; and whereas it is expedient to make provisions for such release and the other provisions hereinafter contained.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
between  
Governors  
and adjoining  
owners  
to release  
of conditions.

**1.** The Governors and the respective owners of properties adjacent to said Avenues and approaches or any of them may from time to time agree upon the consideration and the terms upon which the said conditions or some of them may be released, so far as concerns the properties of the owners  
entering



entering into such agreement, and the Governors may, pursuant to such agreement and subject to the terms thereof grant a release of the conditions agreed to be released, and such conditions shall thereupon be released and the property embraced in the agreement and the owners thereof from time to time shall, subject to the terms of the agreement, be free from the conditions so released.

2. The Governors may agree with the Corporation of the City of Toronto upon the terms and conditions upon which Teraulay Street may be widened and a street opened into the said cross Avenue for the purpose of continuing Teraulay Street to the north, and upon which the said cross Avenue may be widened or straightened in whole or part, and may for such consideration as may be agreed upon, dedicate as part of said cross Avenue such strips or pieces of land vested in the Governors as may be required for such widening or straightening, subject, however, to any leasehold interests therein.

Agreement  
between  
Governors  
and city  
as to  
Teraulay  
Street.

3. For the purpose of such widening and straightening the said Corporation shall, with respect to all parties other than the Governors have all the powers conferred by *The Municipal Act* and amendments, as if said cross Avenue were a public street in the City of Toronto, and the provisions of *The Municipal Act* and amendments, applicable to the widening or straightening of a public street in the city shall apply, and such powers shall extend to any leasehold interests in any strips or pieces of land dedicated by the Governors under the last preceding section and to the owners of such interests.

Powers of  
city as to  
widening  
and  
straight-  
ening  
Teraulay  
Street.

4. The said cross Avenue as widened and straightened shall take the place of the said cross Avenue in its present condition, and the ownership, position and rights of all parties with respect thereto shall thereafter apply to the said Avenue as widened and straightened, and shall not be prejudiced by such widening and straightening.

Cross  
avenue,  
widening  
and  
straighten-  
ing of.

5. The Governors may from time to time agree with the owners of the property on the South side of College Street known as the Bishop Strachan School property being part of Park Lots 9 and 10, according to an appendix to registered plan D. 27, a copy of which appendix in so far as it relates to that property is endorsed upon a deed dated the 10th of October, 1867, and registered as No. 11358 upon the consideration and terms upon which the said conditions or some of them may be released so far as the said Bishop Strachan School property is concerned, and the Governors may, pursuant to such agreement and subject to the terms thereof,

Agreement  
between  
Governors  
and owners  
of Bishop  
Strachan  
School pro-  
perty for  
releasing  
certain  
conditions.

grant

grant a release of the conditions agreed to be released and such conditions shall thereupon be released and the said property and the owners thereof from time to time shall, subject to the terms of the agreement be free from the conditions so released.

Commence-  
ment of  
Act

**6.** This Act shall not come into force until a day or days to be named by the Lieutenant-Governor by his proclamation and such proclamation may apply to the whole or to any section or sections of the Act and proclamations may be issued as to any section or sections at different periods.

## CHAPTER 76.

## An Act respecting The Agricultural [College.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	MUSEUM AND LABORATORY, s. 11.
SCHOOL CONTINUED, s. 2.	GIFTS AND BEQUESTS, s. 12.
COURSE OF INSTRUCTION, ss. 3, 4.	FACILITIES FOR RELIGIOUS TRAIN-
EXPERIMENTS, s. 5.	ING, s. 13.
RULES AND REGULATIONS, s. 6.	ORDERS IN COUNCIL TO BE LAID
APPOINTMENT OF OFFICERS, s. 7.	BEFORE LEGISLATURE, s. 14.
ADVISORY BOARD, s. 8.	REPORTS AND RETURNS, s. 15.
TERMS AND VACATIONS, s. 9.	REPEAL, s. 16.
AFFILIATION WITH UNIVERSITY OF TORONTO, s. 10.	

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as "*The Agricultural College*" Short title.  
*Act.*"

**2.** "The Ontario Agricultural College and Experimental School of  
Farm" is hereby continued. R.S.O. 1897, c. 302, s. 1. Agriculture continued.

**3.** The college shall be furnished with such land and Nature of  
buildings and with all such appliances, implements, tools and instruction.  
apparatus as may be necessary for theoretical and practical  
education in agriculture, horticulture and arboriculture, and  
the course of instruction therein shall be with reference to  
the following subjects:

- (a) the theory and practice of agriculture;
- (b) the theory and practice of horticulture;
- (c) the theory and practice of arboriculture;
- (d) the elements of the various sciences especially  
chemistry, theoretical and practical, applicable  
to agriculture and horticulture;

(e)

- (e) the technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture;
- (f) the anatomy, physiology, and pathology of the ordinary farm animals; with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory systems;
- (g) the principles of construction and skilful use of the different varieties of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits;
- (h) and such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture. R.S.O. 1897, c. 302, s. 2.

## Education.

## Study and apprenticeship.

4.—(1) The education and instruction shall be theoretical and practical; the former shall be known as a course of study and the latter as a course of apprenticeship; and the hours of labour in the latter course shall be regulated by the president of the college, with the approval of the Minister of Agriculture.

## Allowance for expenses—Dispensing with apprenticeship.

(2) For the encouragement of labour in the course of apprenticeship an allowance in part liquidation of expenses may be made, but the course of apprenticeship may be dispensed with if a satisfactory examination be previously passed in all the operations therein required. R.S.O. 1897, c. 302, s. 3.

## Nature of experiments.

## Publication of procedure and results.

5. Experiments with the different varieties of cereals, grasses, and roots; of trees, plants, shrubs, flowers, and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy; and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture, and arboriculture under the climatic conditions of Ontario, shall be carried out on the experimental farm, and the modes of procedure and results published from time to time. R.S.O. 1897, c. 302, s. 4.

6. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall provide for the standard and mode of admission, the course of study and apprenticeship in each course in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any subjects; and may also impose reasonable fees for attendance. R.S.O. 1897, c. 302, s. 5.

Rules, regulations and curriculum of the college.

7. The Lieutenant-Governor in Council may appoint a president and such professors, instructors, officers, assistants, and servants as may be deemed necessary for the efficient working of the college, and the promotion of its usefulness, and may regulate and prescribe their respective duties. R.S.O. 1897, c. 302, s. 6.

Appointments to be made by the Lieutenant-Governor in Council.

8.—(1) Upon recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint an Advisory Board consisting of not more than seven members to advise and assist the Minister of Agriculture in the management of the college and farm, and may prescribe its duties and powers and the period for which the members shall continue in office.

Appointment of Advisory Board.

(2) The Board shall be composed as follows: The Deputy Minister of Agriculture, who shall act as Chairman; the President of the college, and three graduates or associates of the college, who are residents of Ontario, and not members of the staff.

Board, composition of.

(3) The Minister may recommend as additional members not more than two persons who are not graduates or associates of the college. 6 Edw. VII. c. 56, s. 1.

(4) The members of the Advisory Board shall be paid for attending the meetings of the board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending the meetings. R.S.O. 1897, c. 302, s. 7 (2).

Payment of Board.

9. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 302, s. 9.

Sessions, terms and vacations.

10. The college is affiliated with the University of Toronto, subject to *The University Act*, to the extent of enabling the students of the said college to obtain at the exam-

Affiliation of the College with the University of Toronto.

6 Edw. VII.  
c. 56, ss. 7  
(5), 54 (2)  
(4).

inations of the university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the university has authority to confer. R.S.O. 1897, c. 302, s. 10.

Museum and  
laboratory.

**11.** In connection with the college there shall be a museum of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of Ontario; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community. R.S.O. 1897, c. 302, s. 11.

Gifts, be-  
quests, etc.,  
to college,  
museum or  
laboratory.

**12.** The Lieutenant-Governor in Council on behalf of the Province may accept, hold and enjoy any gifts, bequests, or devises of real or personal property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory. R.S.O. 1897, c. 302, s. 12.

Facilities  
for ac-  
quiring  
religious  
training.

**13.** The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. R.S.O. 1897, c. 302, s. 13.

Orders in  
Council to  
be laid  
before  
Legislature.

**14.** Every Order in Council made under this Act shall be laid before the Assembly forthwith, if the Assembly is then in session, and if not then in session, then within fifteen days after the opening of the next session; and if such Assembly at the said session, or if the session does not continue for three weeks after the Order is laid before the House then, at the ensuing session of the Legislature, disapproves by resolution of the Order in Council, the same, so far as so disapproved of, shall have no effect from the time of such resolution being passed. R.S.O. 1897, c. 302, s. 14.

Reports and  
returns to  
the Legis-  
lative  
Assembly.

**15.** Full reports of the progress of the college and farm shall be annually returned and submitted to the Assembly, which reports shall, amongst other things, contain:

- (a) a tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of his parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;

(b)

- (b) a return of the names of the professors, instructors and assistants, with a summary of the instruction given by each;
- (c) a copy of the examination papers used in the sessional examinations, and the results thereof;
- (d) a summary of the operations in the various departments of the farm;
- (e) a clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;
- (f) a detailed statement of the income and expenditure of the college and farm for the year;
- (g) a copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship;
- (h) a comparative statement showing the progress of the college and farm from year to year. R.S.O. 1897, c. 302, s. 15.

**16.** Chapter 302 of the Revised Statutes of Ontario, 1897, <sup>Repeal</sup> and Chapter 56 of the Statutes passed in the sixth year of the reign of His late Majesty King Edward the Seventh, are repealed.



## CHAPTER 77.

## An Act respecting The Reformatory for Ontario

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	NO LIQUORS, TOBACCO, ETC., TO BE ADMITTED, s. 16.
INTERPRETATION, s. 2.	LABOUR, s. 17.
NAME, s. 3.	RECORDS OF CONDUCT TO BE KEPT, s. 18.
OFFICERS, s. 4.	DURATION OF SENTENCES, s. 19.
RULES AND REGULATIONS, s. 5.	EMPLOYMENT OF PRISONERS, s. 20.
INSPECTOR, POWERS AND DUTIES OF, s. 6.	DISCHARGE OF PRISONERS, ss. 21, 22.
TRANSFER OF PRISONERS, ss. 7-10.	PROPERTY VESTED IN CROWN, s. 23.
GOVERNMENT OF PRISON: Superintendent, duties of, ss. 11, 12.	CONTRACTS, HOW TO BE MADE, s. 24.
OFFICERS TO GIVE SECURITY, s. 13. To have no interest in contracts, s. 14.	BOOKS AND INDUSTRIAL ACCOUNTS, ss. 25-30.
Not to engage in other business, s. 15.	AUDIT, s. 31.
	REPEAL, s. 32.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Ontario Reformatory Act*.

Interpretation.      **2.** In this Act,—

"County."      (a) "County" shall include district. R.S.O. 1897, c. 308, s. 1. *Amended.*

"Inspector."      (b) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory for Ontario. *New.*

"Minister."      (c) "Minister" shall mean the member of the Executive Council charged with the administration of this Act. *New.*

3. "The Central Prison for the Province of Ontario," <sup>Name of prison.</sup> shall be called "The Reformatory for Ontario." R.S.O. 1897, c. 308, s. 2. *Amended.*

4. The Lieutenant-Governor in Council may appoint for <sup>Appointment of certain officers.</sup> the Reformatory, a superintendent, a surgeon, a bursar, an accountant, a storekeeper, and such other officers as may be necessary. R.S.O. 1897, c. 308, s. 3. *Amended.*

5. The Lieutenant-Governor in Council may make regu- <sup>Lieutenant-Governor to make rules, etc.</sup> lations for the management and discipline of the Reformatory and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. R.S.O. 1897, c. 308, s. 6. *Amended.*

6.—(1) The Inspector may summarily suspend any of <sup>Power of Inspector over officers of the prison.</sup> the officers for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the prison.

(2) It shall be the duty of the Inspector to recommend <sup>His duty.</sup> the removal of any officer or employee, whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the Reformatory he deems injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. R.S.O. 1897, c. 308, s. 8.

7. A male person confined in a common gaol under sentence of imprisonment for an offence against any Act of this Legislature may by the direction and warrant of the Inspector <sup>Prisoners may be transferred from common gaol to central prison.</sup> be transferred from such common gaol to the Reformatory, for the unexpired portion of the term of imprisonment to which he was sentenced or committed; and such person shall thereupon be imprisoned in the Reformatory for the residue of the term, and shall be subject to all the regulations of the Reformatory. R.S.O. 1897, c. 308, s. 12, *amended.* See R.S.C. 1906, c. 148, s. 45.

8. The Court before which any male person is convicted <sup>Convicts may be sentenced to reformatory instead of common gaol.</sup> under, or under the authority of, an Act of this Legislature, of an offence, punishable by imprisonment in the common gaol, may sentence such person to imprisonment in the Reformatory. R.S.O. 1897, c. 308, ss. 14 and 15; *see* R.S.C. 1906, c. 148, s. 44. *Amended.*

**Transfer of Prisoners.** **9.** The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may, by warrant direct the removal from the Reformatory back to the common gaol, or from an industrial school for boys or an industrial farm to the Reformatory, of any person detained therein under the authority of any Act of this Legislature. R.S.O. 1897, c. 308, s. 17, *amended*. See R.S.C. 1906, c. 148, s. 48.

**Officer to deliver up prisoners for removal.** **10.** The superintendent of the Reformatory, or the superintendent of an industrial school for boys, or of an industrial farm, or the keeper of a common gaol, having the custody of any person ordered to be removed, shall, when required so to do, deliver him up to the Provincial Bailiff or other officer or person who produces the warrant, together with a copy certified by the superintendent or gaoler of the sentence or order of committal of such prisoner and the date thereof as given to him on the reception of such person into his custody. R.S.O. 1897, c. 308, s. 18. *Amended*.

**Superintendent to receive prisoner and detain him.** **11.** The superintendent shall receive into the Reformatory every person certified to him as sentenced to imprisonment therein, or transferred thereto by warrant, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term of his detention is completed, or until he is otherwise discharged in due course of law. R.S.O. 1897, c. 308, s. 20; *see* R.S.C. 1906, c. 148, s. 46.

**Powers and duties of superintendent.** **12.** The superintendent shall be the chief executive officer of the Reformatory, and as such shall have under the direction of the Inspector the execution, control and management of all its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution, except that of the bursar. R.S.O. 1897, c. 308, s. 23.

**To give security.** **13.** The superintendent, the bursar, the accountant, and every storekeeper and steward of the Reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct. R.S.O. 1897, c. 308, s. 24. *Amended*.

**Superintendent, etc., not to be interested in any prison contract.** **14.—(1)** The Inspector shall not, nor shall the superintendent or other officer or employee in such Reformatory, either in his own name, or in the name of or in connection with, or as the agent of any other person, provide, furnish or supply any materials, goods or provisions, for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto.

(2) Every person who contravenes any of the provisions <sup>Penalty.</sup> of this section shall incur a penalty of \$1,000. R.S.O. 1897, c. 308, s. 26.

**15.** The superintendent shall not nor shall any officer or <sup>Officers not to be engaged in any other business.</sup> employee buy from or sell to any inmate in the Reformatory anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any inmate or visitor or any other person; or employ any inmate in working for him. R.S.O. 1897, c. 308, s. 27.

**16.**—(1) Except under the Regulations no morphia, cocaine or other narcotic drug, and no intoxicating liquors <sup>No liquors, tobacco, etc., to be admitted.</sup> within the meaning of *The Liquor License Act*, shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution, or for the use of any prisoner therein.

(2) Every person, other than an officer of the Reforma- <sup>Penalty.</sup> tory acting under the Regulations, who gives any morphia, cocaine or other narcotic drug or intoxicating liquor, and every officer, employee or other person who gives or conveys tobacco in any form, to any prisoner, shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions* <sup>10 Edw. VII. c. 37.</sup> *Act*. R.S.O. 1897, c. 308, s. 28. *Amended.*

**17.** The Reformatory shall be furnished with all requisite <sup>Labour.</sup> means for carrying on beneficial labour by the inmates in shops and the various forms of labour, having for its base, clay, sand, gravel, stone, lime, agriculture, horticulture and dairying in all their various branches. *New.*

**18.** A record of the conduct of the inmates of the Refor- <sup>Record of conduct to be kept.</sup> matory shall be kept. R.S.O. 1897, c. 308, s. 7.

**19.**—(1) Every person sentenced directly to the Refor- <sup>Sentences.</sup> matory shall be sentenced to imprisonment therein for a period of not less than three months and for an indeterminate period thereafter of not more than two years less one day.

(2) The Ontario Board of Parole, before paroling any <sup>Consideration by Board of Parole.</sup> inmate shall take into consideration his history for the purpose of determining whether he should be paroled. *New.*

**20.**—(1) The Lieutenant-Governor in Council may au- <sup>Employment of prisoners without the precincts.</sup> thorize, direct or sanction the employment upon any specific work or duty beyond the limits of the Reformatory, of any prisoner.

(2) Every such prisoner during such employment shall be <sup>Conditions of employment.</sup> subject to all the provisions of this Act, and to the Regula-

tions and discipline of the Reformatory, and to such other regulations of the superintendent as may be prescribed by the Inspector. R.S.O. 1897, c. 318, s. 33 (1).

Prisoner not to be discharged on a Sunday.

**21.** Whenever the term of imprisonment of any prisoner expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. R.S.O. 1897, c. 308, s. 34; *see* R.S.C. 1906, c. 148, s. 38.

Prisoners labouring under certain diseases not to be discharged until cured.

**22.** No person shall be discharged from the Reformatory at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the Reformatory until he recovers from such disease or illness; and any convict or prisoner remaining from such cause in the Reformatory shall be under the same discipline and control as if his sentence were still unexpired. R.S.O. 1897, c. 308, s. 35.

Property belonging to reformatory.

**23.** The Reformatory shall be held to include all the land procured for such institution and all buildings and machinery erected or used thereon, and all carriages, waggons, sleighs, or other vehicles for land carriage, being the property of such Reformatory, or employed in its service, and the warden shall have the custody and care thereof. R.S.O. 1897, c. 308, s. 37.

Custody.

Contracts, how to be made.

**24.** All dealings and transactions on account of the Reformatory, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying it on, or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour or employment of any of the prisoners, either within or without the limits of the Reformatory, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name, on behalf of His Majesty. R.S.O. 1897, c. 308, s. 38.

Lieutenant-Governor may order account to be opened with a bank for the reformatory industries.

**25.** For more efficiently carrying on the industries at the Reformatory, the Minister may cause an account to be opened in any branch in Ontario of a chartered bank of the Dominion of Canada in the name of the "Reformatory Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with such industries, not exceeding the estimated sales of the year, as reported to the Assembly by the Minister. R.S.O. 1897, c. 308, s. 40.

Drafts on account.

**26.** The account shall be drawn upon in the manner hereinafter provided. R.S.O. 1897, c. 308, s. 42.

**27.** All money received by the Reformatory for and on account of goods sold of whatever kind shall be deposited from day to day in the bank to the credit of the account. R.S.O. 1897, c. 308, s. 43.

Moneys received for goods sold to be deposited.

**28.** All cheques drawn upon the account shall be signed by the superintendent and bursar of the Reformatory, and countersigned by the Inspector and the Minister. R.S.O. 1897, c. 308, s. 44.

Cheques, how signed and counter-signed.

**29.** Every cheque drawn upon the account shall, when presented to the several officers required to sign and counter-sign the same for signature, have attached thereto for the information of such officers, the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued, the bill having been theretofore certified by the accountant of the Reformatory to be correct. R.S.O. 1897, c. 308, s. 45.

Bill to be attached to cheque when presented for signature.

**30.** At the end of each fiscal year there shall be paid over to the Treasurer of Ontario the balance of the money standing at the credit of the account. R.S.O. 1897, c. 308, s. 46. *Amended.*

Balance at end of year to be paid to Provincial Treasurer.

**31.** The Provincial Auditor shall audit the industrial accounts of the Reformatory at least every three months. R.S.O. 1897, c. 308, s. 47.

Audit.

**32.** Chapter 308 of the Revised Statutes of Ontario, 1897, is repealed.

Repeal.

*[As to fees payable to Sheriffs and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the reformatory, see 10 Edw. VII. c. 41, s. 9 and Sched. A.]*

## CHAPTER 78.

## An Act respecting The Andrew Mercer Ontario Reformatory for Females

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	Officers not to engage in other business, s. 16.
INTERPRETATION, s. 2.	Spirituous liquors, etc., not to be taken into Reformatory, s. 17.
OBJECT OF REFORMATORY, s. 3.	BENEFICIAL LABOUR, s. 18.
OFFICERS, s. 4.	EXTENT OF REFORMATORY, s. 19.
POWERS AND DUTIES OF INSPECTOR, ss. 5, 6.	CONTRACTS TO BE MADE BY INSPECTOR, s. 20.
GOOD BEHAVIOUR, s. 7.	DISCHARGE OF PRISONERS, ss. 21, 22.
TRANSFER OF PRISONERS, ss. 8-12.	REPEAL, s. 23.
GOVERNMENT OF REFORMATORY: The Superintendent, s. 13.	
Accountant to give security, s. 14.	
Interests in contracts, s. 15.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Andrew Mercer Reformatory Act*.

Interpretation.

2. In this Act,—

"Inspector."

(a) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory;

3-4 Geo. V. c. 88.

"Minister."

(b) "Minister" shall mean that member of the Executive Council charged for the time being with the administration of this Act;

"Reformatory."

(c) "Reformatory" shall mean The Andrew Mercer Ontario Reformatory for Females.

"Regulations."

(d) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act or under *The Prisons and Public Charities Inspection Act*. *New.*

3-4 Geo. V. c. 88.



3. The Andrew Mercer Ontario Reformatory for Females shall be for the reception, detention and employment, of such female offenders as are hereinafter mentioned. <sup>Object of Reformatory.</sup> R.S.O. 1897, c. 309, s. 2.

4. The Lieutenant-Governor in Council may appoint for the Reformatory, a superintendent, an accountant, a surgeon, and such other officers as he may deem necessary. <sup>Appointment of certain officers.</sup> R.S.O. 1897, c. 309, s. 3.

5. The Lieutenant-Governor in Council may make regulations for the management and discipline of the Reformatory, and for prescribing the duties and conduct of the superintendent and the officers and servants employed therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons detained therein. <sup>Inspector to make rules, etc.</sup> R.S.O. 1897, c. 309, s. 6. *Amended.*

6.—(1) The Inspector may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may until such pleasure is intimated to him cause any such officer so suspended to be removed beyond the precincts of the Reformatory. <sup>Powers of Inspector over officers.</sup>

(2) It shall be the duty of the Inspector to recommend the removal of any officer whom he deems incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. <sup>His duty.</sup> R.S.O. 1897, c. 309, s. 8.

7. The Inspector may make rules for the keeping of a correct record of the conduct of inmates, with a view to permit any offender to be paroled upon the recommendation of the superintendent, approved by the Inspector and endorsed by the Ontario Board of Parole. <sup>Encouragement of good behaviour.</sup> R.S.O. 1897, c. 309, s. 7.

8. A female detained in a common gaol, under sentence of imprisonment for an offence against any Act of this Legislature, may by the direction and warrant of the Inspector be conveyed by a female bailiff, appointed for that purpose, from such common gaol to the Reformatory, for the unexpired portion of the term of imprisonment to which she was sentenced or committed; and such female shall thereupon be imprisoned in such reformatory, for the residue of the term, and shall be subject to all the regulations of the Reformatory. <sup>Transfer from gaol to Reformatory.</sup> R.S.O. 1897, c. 309, s. 12. *Amended.*

Convict  
may be  
sentenced  
to Reformatory.

**9.**—(1) The court before which any female is convicted under, or under the authority of any Act of this Legislature, of an offence punishable by imprisonment, may sentence such female to imprisonment for an indefinite period not exceeding two years in the Reformatory instead of the common gaol.

Female  
bailiff to be  
employed.

(2) Such female shall be conveyed to the Reformatory by a female bailiff. R.S.O. 1897, c. 309, ss. 13 and 14. *Amended.*

Transfer  
from Reformatory  
to gaol.

**10.**—(1) The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the Reformatory back to the common gaol, of any female under sentence of imprisonment for an offence against any Act of this Legislature, and such female shall thereupon be conveyed to the common gaol by the female bailiff. R.S.O. 1897, c. 309, s. 15. *Amended.*

Superintendent or  
gaoler to  
deliver up  
prisoners.

(2) The superintendent of the Reformatory, or the keeper of any common gaol, having the custody of any female ordered to be removed, shall, when required so to do, deliver her up to the female bailiff who produces the warrant, together with a copy, certified by the superintendent or gaoler, of the sentence and date of conviction as given to him on reception of such female into his custody. R.S.O. 1897, c. 309, s. 16.

Copy of  
sentence  
sufficient  
warrant.

**11.** Any female bailiff may convey to the Reformatory any female person sentenced or liable to be imprisoned therein, and deliver her to the superintendent without any further warrant than a copy of the minute of the sentence, taken from the records of the court before which she was tried, and certified by the convicting Justice or the clerk of the court, and the superintendent shall receive her into the reformatory and detain her there, subject to all the rules, regulations, and discipline thereof, until the expiration of her sentence, or until she is otherwise discharged in due course of law. R.S.O. 1897, c. 309, ss. 17, 18.

Superintendent to  
receive and  
detain  
prisoners.

Officer to  
give and  
take receipt  
for prisoner.

**12.** The female bailiff shall give a receipt to the superintendent or gaoler for the prisoner, and shall thereupon, without delay convey and deliver her with the certified copy into the custody of the superintendent of the Reformatory or of the gaoler of the gaol mentioned in the warrant, who shall give to such bailiff a receipt in writing for her; and the prisoner shall be kept in custody in such Reformatory or gaol until the expiration of her sentence, or until she is otherwise discharged in due course of law, unless she is in the meantime again removed under competent authority. R.S.O. 1897, c. 309, s. 20.

**13.** The superintendent shall reside within the institution and shall be the chief executive officer of it, and as such shall have under the direction of the Inspector, the execution, control, and management of its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution. R.S.O. 1897, c. 309, s. 21. Powers and duty of Superintendent.

**14.** The accountant shall give security to the satisfaction of the Minister and for such amount as he shall direct for the faithful performance of the duties of the office. R.S.O. 1897, c. 309, s. 22. *Amended.* Accountant to give security.

[Section 23 omitted as unnecessary.]

**15.**—(1) The Inspector shall not nor shall the superintendent, or other officer, employee of the Reformatory either in his own name, or in the name of, or in connection with or as the agent of any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the Reformatory; or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto. Officers not to be interested in any contract.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. R.S.O. 1897, c. 309, s. 24. Penalty.

**16.** The superintendent, shall not nor shall any officer or employee buy from or sell to any prisoner in the Reformatory anything whatever, or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person, or employ any convict in working for him. R.S.O. 1897, c. 309, s. 25. Officers not to engage in trade, etc., in the Reformatory.

**17.**—(1) Except under the regulations, no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor License Act* shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution, or for the use of any prisoner therein. Except under Regulations no narcotic drugs or intoxicating liquors to be brought into the Reformatory.

(2) Every person, other than an officer of the Reformatory acting under the regulations who gives any intoxicating liquors, morphia, cocaine or other narcotic drug, and every officer, employee, or other person who gives or conveys tobacco in any form to any prisoner, shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 309, s. 26. *Amended.* Contravention. Penalty. 10 Edw VII. c. 7.

Beneficial  
labour.

**18.** The Reformatory shall be furnished with all requisite means for enforcing the performance of beneficial labour by the inmates thereof. R.S.O. 1897, c. 309, s. 27. *Amended.*

Reforma-  
tory, what  
to include.

**19.** All the land enclosed and used in connection with the Reformatory building shall be deemed to be part of the Reformatory. R.S.O. 1897, c. 309, s. 28.

Contracts,  
etc., how  
made.

**20.** All dealings and transactions on account of the Reformatory, and all contracts for goods, wares, or merchandise, necessary for maintaining and carrying it on or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name on behalf of His Majesty. R.S.O. 1897, c. 309, s. 29.

Prisoners  
not to be  
discharged  
on Sunday.

**21.** When the term of imprisonment of any prisoner expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. R.S.O. 1897, c. 309, s. 30.

Prisoners  
not to be  
discharged  
if labouring  
under cer-  
tain  
diseases.

**22.** No prisoner shall be discharged at the termination of her sentence, or transferred from the Reformatory to a gaol if she has syphilitic or other venereal disease, or any contagious or infectious disease, or is suffering from any acute or dangerous illness, but she shall remain in the Reformatory until the surgeon certifies to the Inspector that she has recovered from the disease or illness; and any prisoner so remaining shall be under the same discipline and control as if her sentence were still unexpired. R.S.O. 1897, c. 309, s. 31. *Amended.*

Repeal.

**23.** Chapter 309 of the Revised Statutes of Ontario, 1897, is repealed.

## CHAPTER 79.

An Act respecting Industrial Refuges for  
Females*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	BAILIFFS, s. 7.
INTERPRETATION, s. 2.	ESCAPE AND RECAPTURE, s. 8.
COMMITMENT OR TRANSFER TO REFUGES, s. 3.	DISEASED AND FEEBLE-MINDED PATIENTS, ss. 9, 10.
ENCOURAGEMENT OF INDUSTRY, s. 4.	CONSENT OF SUPERINTENDENT RE- QUIRED FOR ADMISSION, s. 11.
DISCHARGE, s. 5.	REFUGES TO BE HOUSES OF CORREC- TION, s. 12.
TRANSFER OF INCORRIGIBLES TO GALL OR REFORMATORY, s. 6.	REPEAL, s. 13.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as *The Female Refuges Act*. Interpreta-  
tion.
2. In this Act
  - (a) "Industrial Refuge" shall mean an institution for the care of females, designated by the Lieutenant-Governor in Council as an institution to which females may be committed under this Act; "Industrial  
Refuge."
  - (b) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting institutions under this Act; "Inspec-  
tor."
  - (c) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
  - (d) "Superintendent" shall mean the matron or other person in charge of such institution. "Superin-  
tendent." R.S.O. 1897, c. 311, s. 1. *Amended.*

Commitment  
of females  
to Industrial  
Refuges.

3.—(1) Any female, between the ages of 15 and 35 years, sentenced or liable to be sentenced to imprisonment in a common gaol by a police magistrate, may be committed to an Industrial Refuge, and any such female undergoing imprisonment in a common gaol including imprisonment for default of payment of a fine may be transferred by order of a police magistrate or of the Inspector to an Industrial Refuge, to be there detained for an indefinite period not exceeding five years.

Industrial  
schools.

(2) An inmate of an industrial school for girls may in like manner be transferred to and detained in an Industrial Refuge.

Religion of  
inmates.

(3) No Protestant female shall be committed or transferred under this Act to a Roman Catholic institution and no Roman Catholic female shall be committed or transferred to a Protestant institution. R.S.O. 1897, c. 311, ss. 2, 3. *Amended.*

Record of  
conduct.

4. A correct record of the conduct of the inmates of an Industrial Refuge shall be kept with a view to permitting any inmate to be released on parole by the Inspector. *New.*

Lieutenant-  
Governor  
may order  
discharge.

5. The Lieutenant-Governor may at any time order that any person who has been committed or transferred to an Industrial Refuge shall be discharged. *New.*

Transfer to  
gaol or  
reformatory.

6. The Inspector may direct the removal of any inmate who proves unmanageable or incorrigible from an Industrial Refuge to a common gaol or to The Andrew Mercer Ontario Reformatory for Females. R.S.O. 1897, c. 311, s. 4. *Amended.*

Female  
bailiff to  
make  
transfer.

7. Any female bailiff to whom the warrant of the police magistrate or the Inspector is directed may convey to the Industrial Refuge named in the warrant the person named therein and deliver her to the Superintendent. R.S.O. 1897, c. 311, s. 5. *Part amended.*

Recapture  
of escaped  
inmate.

8. An inmate who escapes from an Industrial Refuge may be again arrested without any warrant by any peace officer and returned to the Industrial Refuge. R.S.O. 1897, c. 311, s. 9. *Amended.*

**9.** No inmate shall be discharged from an Industrial Refuge if she has syphilitic or other venereal disease or is suffering from any contagious or infectious disease or has any acute or dangerous illness, but she shall remain in the Industrial Refuge until a legally qualified medical practitioner on the staff of the Refuge gives a written certificate that such inmate has fully recovered from the disease or illness, and any inmate remaining from any such cause in the Industrial Refuge shall continue to be under its discipline and control. R.S.O. 1897, c. 311, s. 11. *Amended.*

Inmates not to be discharged if labouring under certain diseases.

**10.** Where a legally qualified medical practitioner, having the care of the health of the inmates of an Industrial Refuge, certifies that an inmate on account of natural imbecility is so feeble-minded as to render it probable that she would be unable to take care of herself if discharged from the refuge, she shall not be discharged until such medical practitioner, with the approval of the Inspector, orders her discharge. *New.*

Special provision for detention of feeble-minded inmates.

**11.** No person shall be committed to an Industrial Refuge without the consent of the Superintendent. R.S.O. 1897, c. 311, s. 12.

Persons not to be committed without consent of superintendent.

**12.** Every Industrial Refuge shall be a house of correction for the purposes of *The Prisons and Reformatories Act of Canada*. R.S.O. 1897, c. 311, s. 13.

Industrial Refuges to be deemed houses of correction, etc., within meaning of R.S.C. 1906, c. 148, s. 30.

**13.** Chapter 311 of the Revised Statutes of Ontario, 1897, is repealed.

Repeal.



## CHAPTER 80.

## An Act for the Protection of Females in Institutions subject to Inspection

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**     **1.** This Act may be cited as *The Female Patients and Prisoners Protection Act*.

**Offence.**        **2.** No person shall at any time or place within the precincts of any institution which is subject to inspection by the Inspector of Prisons and Public Charities unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is detained or imprisoned in such institution. R.S.O. 1897, c. 260, s. 1.

**Penalty.**        **3.** Every person who contravenes the next preceding section shall be liable to imprisonment for any term less than two years. R.S.O. 1897, c. 260, s. 2.

**Prosecutions.**     **4.** Prosecutions for offences against this Act shall be had under *The Ontario Summary Convictions Act*, the provisions of which shall apply except that the prosecution shall be before a Police Magistrate or two Justices of the Peace. (New.)

10 Edw. VII.  
c. 37.

**Repeal.**        **5.** Chapter 260 of the Revised Statutes of Ontario, 1897, is repealed.

## CHAPTER 81.

## An Act respecting Gaols.

*Assented to 6th May, 1913.*

PRELIMINARY, 1-3.	Duration of Agreement, 17.
Short Title, 1.	Effect of Proclamation, 18.
Interpretation, 2.	Powers of Lieutenant-Governor-in-Council, 19.
Prisons of Court, 3.	Detention in Gaol pending transfer to Provincial prisons, 20.
GAOLS IN DISTRICTS, 4-7.	REMOVAL TO PROVINCIAL INSTITUTIONS, 20-24.
Common gaols and Industrial Farms, 4.	Appointment of Bailiffs, 21.
Transfer from lock-ups, 5.	Warrant for removal, 22.
Gaolers, 6.	Powers of Bailiffs, 23.
Vacancies, 7.	Bailiffs to take receipts, 24.
ESTABLISHMENT AND MAINTENANCE, 8-10.	Expenses of removal, 25.
Plans, 8.	EMPLOYMENT OF PRISONERS WITHOUT WALLS, 26-31.
Consideration by Inspector, 9.	Employment, 26.
Repairs, 10.	Discipline, 27.
VACANCY IN OFFICE OF COUNTY GAOLER, 11.	Supervision, 28.
TRANSFER OF PRISONERS, 12-19.	Precincts of Gaol, 29.
Agreements between Counties, 12.	Earnings of Prisoners, 30.
Sanction by Lieutenant-Governor-in-Council, 13.	Division of Earnings, 31.
Pre-requisites, 14.	PROHIBITION OF INTOXICATING LIQUORS, 32.
Expenses of Transfer, 15.	REPEAL, 33.
Maintenance of lock-up, 16.	

## PRELIMINARY.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Gaols Act*.

Short title.

**2.** In this Act,

Interpretation.

(a) "Inspector" shall mean the Inspector of Prisons and Public Charities, to whom the duty of inspecting gaols is assigned by the Lieutenant-Governor in Council;

(b)

(b) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act. *New.*

Prisons of  
Court.

**3.** All gaols in Ontario shall be prisons of the Supreme Court of Ontario. R.S.O. 1897, c. 51, s. 179.

*[Erection and maintenance of gaols, and appointment of gaolers in Counties; See The Municipal Act, 3-4 Geo V. c. 43.]*

#### GAOLS IN PROVISIONAL JUDICIAL DISTRICTS.

Gaols,  
in judicial  
districts.

**4.**—(1) Every gaol erected in a provisional judicial district under the authority of the Lieutenant-Governor in Council or any building so declared so to be by the Lieutenant-Governor in Council shall be a common gaol of the district. R.S.O. 1897, c. 109, s. 51 (1). *Amended.*

Common  
For all the  
districts.

(2) The common gaols and the industrial farms in the several districts shall be respectively common gaols and industrial farms for all the districts, and any court or magistrate may direct the committal to any of them, either for safe custody or for punishment of any person who may be lawfully committed by such court or magistrate to the common gaol or industrial farm of the district in which the order for committal is made. *See* R.S.O. 1897, c. 109, ss. 51 (3) and 52; 2 Geo. V. c. 17, s. 24.

Transfer  
from lock-  
up to com-  
mon gaol.

**5.** Any person imprisoned in a lock-up in a district may be transferred by order of an Inspector to the common gaol in the district town of the district. R.S.O. 1897, c. 109, s. 53. *Amended.* *See* R.S.C. 1906, c. 148, s. 585.

Appoint-  
ment of  
Gaoler.

**6.** The Lieutenant-Governor may appoint a gaoler of every common gaol, who shall perform all the duties and be under and subject to all the liabilities that the gaolers of the common gaols in counties perform and are subject to, and shall give such security for the due performance of the duties of his office as the Lieutenant-Governor in Council from time to time prescribes, and every such gaoler shall be paid out of money appropriated by this Legislature and voted by the Assembly for that purpose, such sums of money annually as the Lieutenant-Governor in Council may think reasonable for the services performed. R.S.O. 1897, c. 109, s. 54 (1) *Amended.*

Vacancy.

**7.**—(1) In case of a vacancy the sheriff shall appoint some proper person to act as gaoler until an appointment is made by the Lieutenant-Governor in Council. R.S.O. 1897, c. 109, s. 54 (2). *Amended.*

(2) The Lieutenant-Governor in Council may upon the application of the sheriff declare that the public interests do not require that another gaoler of the gaol at the district town shall be appointed, and thereupon the sheriff shall be *ex-officio* gaoler of such gaol, and shall perform all the duties, and shall be subject to all the liabilities of the office. 61 Vic. c. 36, s. 12.

#### ESTABLISHMENT AND MAINTENANCE OF GAOLS.

8. Every gaol shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor in Council; and no gaol built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county. R.S.O. 1897, c. 321, s. 22. *Amended.*

9. The Inspector, before deciding upon the plan of a gaol most proper to be adopted, or approving a gaol after its completion, shall take into consideration:—

- (a) the nature and extent of the ground upon which the gaol has been or is to be built;
- (b) its relative situation to any street and buildings, and to any river or other water supply;
- (c) its comparative elevation and capability of being drained;
- (d) the material of which it has been or is to be constructed;
- (e) the necessity of guarding against cold and dampness, and of providing properly for ventilation and light for each corridor;
- (f) the proper classification of prisoners, having regard to age, sex, and cause of confinement;
- (g) the best means of ensuring their safe custody without the necessity of resorting to severe treatment;
- (h) the due accommodation of the gaoler and turnkeys, so that they may have ready access to the prisoners and conveniently oversee them;

(i)

- (i) the prevention of any intercourse between prisoners and persons without the walls of the building;
- (j) the prevention of nuisances from whatever cause, and the necessity of providing proper and sufficient sanitary conveniences;
- (k) the combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the gaol may really serve as a place of correction;
- (l) the admission of prisoners to air and exercise without the walls of the building; and
- (m) the enclosure of the yard and premises with a secure wall. R.S.O. 1897, c. 321, s. 23.

**Gaol repairs.** **10.**—(1) If the Inspector at any time finds that the common gaol in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

Report to  
the Lieut.-  
Governor.

Copy fur-  
nished to  
the County  
Council.

Conference  
with  
Inspector.

(2) The council shall thereupon appoint a special committee to confer with the Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

Case of  
disagree-  
ment.

(3) If the Inspector and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

By-law for  
repairs.

(4) It shall be the duty of the council, by by-law, to provide for the making of the repairs, alterations or additions so arranged for and reported or decided upon, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against at the instance and prosecution either of the Attorney-General for Ontario or of any private prosecutor, to compel the making by the council of such repairs, alterations or additions. R.S.O. 1897, c. 321, s. 24.

Proceedings  
in default  
of repairs.

(5) The Inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions have due regard to the plan of the gaol, and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R.S.O. 1897, c. 321, s. 25.

Repairs to be made with due regard to the ability of the Council to meet the expense.

#### VACANCY IN OFFICE OF COUNTY GAOLER.

11.—(1) Where a vacancy occurs in the office of gaoler of any county gaol, and the number of prisoners who have been confined in such gaol during the three years ending on the 31st of December immediately preceding the occurrence of such vacancy did not exceed on an average six per diem in any of such years, it shall be the duty of the Inspector, to issue and transmit to the county council his certificate to that effect, and he shall also notify the sheriff of the county that the gaol may be made subject to the provisions of this section.

Duty of Inspector when vacancy occurs.

Notice to sheriff.

(2) The council may, after the receipt of such certificate, and within three months after the occurrence of such vacancy, or at the next meeting of the council thereafter by resolution, declare that the public interests do not require the appointment of a gaoler.

Power of county council.

(3) The sheriff may thereupon agree with the council to act as gaoler and for the remuneration to be allowed him for the performance of the duties of gaoler, and in that event it shall not be necessary for the sheriff to appoint a gaoler, but he shall himself be *ex-officio* the gaoler, and shall with such assistance as he deems necessary perform all the duties and be subject to all the responsibilities of the office.

Sheriff may agree to act as gaoler.

His duty.

(4) Pending the action of the council the sheriff may either make a temporary appointment of a gaoler or may elect himself to perform the duties of the gaoler, in which case he shall be *ex-officio* gaoler and shall perform all the duties, and shall be subject to all the liabilities of the office.

Sheriff may appoint gaoler in person or act himself.

(5) If the council does not within the time thereby limited, pass the resolution mentioned in subsection 2, the sheriff shall forthwith thereafter appoint the temporary gaoler or some other proper person to be the gaoler.

Sheriff must appoint gaoler in failure of the county council to act.

(6) The temporary gaoler or the sheriff, while acting under subsection 4, shall be paid at the same rate of salary as was paid to the gaoler who held the office previous to the occurrence of the vacancy. 61 Vic. c. 36, ss. 8, 9, 10, 11.

Salary of temporary gaoler or sheriff.

## TRANSFER OF PRISONERS TO GAOL OF AN ADJOINING COUNTY.

When an agreement for transfer may be made.

**12.**—(1) Where the number of prisoners confined in the gaol of any county during two years does not exceed on an average four per diem for either of such years and the Inspector reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the gaol of an adjoining county, the council of the first mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the gaol of the adjoining county.

How average reckoned.

(2) The two years shall be the two years ending on the 31st day of December, immediately preceding the making of the agreement. 61 Vic. c. 36, s. 1.

Sanction by Lieutenant-Governor in Council.

**13.** If such agreement is made, the Lieutenant-Governor in Council, may sanction the same and shall issue a Proclamation declaring that from a day to be named therein the gaol of the adjoining county shall also be the common gaol of the first mentioned county, and it shall so continue from that day until the Lieutenant-Governor in Council issues a Proclamation terminating the agreement. 61 Vic. c. 36, s. 2. *Amended.*

Pre-requisites to sanction.

**14.**—(1) No such first mentioned Proclamation shall be issued unless there is direct railway communication between the county towns of the two counties, nor until the Inspector has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first mentioned county or in custody prior to their committal for trial or pending their removal to the county gaol, the Reformatory for the Province of Ontario or Penitentiary has been provided in or near the county town of the first mentioned county.

Lock-up to be maintained in transferring county.

Magistrate may commit to gaol of adjoining county.

(2) Nothing in this section shall prevent the imprisonment of any such prisoner in the gaol of the adjoining county where the committing magistrate or the sheriff in charge deems it expedient that he should be imprisoned therein.

Lock-up.

(3) The lock-up may be either the building theretofore used as the gaol of the first mentioned county or part thereof or some other building approved by the Inspector. 61 Vic. c. 36, s. 3.

Expenses of transferring prisoners.

**15.** The County at whose instance such first mentioned Proclamation has been issued shall bear all expenses incurred in respect of the conveying of any prisoners to or from the gaol



gaol of the adjoining county in excess of those which would have been incurred had the prisoners been detained in a gaol in the county town of the first mentioned county. 61 Vic. c. 36, s. 4.

16. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners, and if the county council fails so to keep the same the sheriff shall at the cost of the county do what is necessary in that behalf. 61 Vic. c. 36, s. 5.

Duty of county council as to lock-up.

17.—(1) An agreement made under section 12 shall continue, subject to any variation of the terms thereof by mutual agreement, for five years, and shall after such five years continue until varied by agreement, or if the councils are unable to agree, until varied by arbitration under *The Municipal Act*, but either council may at any time apply to the Lieutenant-Governor in Council to terminate the agreement.

Term for which agreement to be made.

(2) The Lieutenant-Governor in Council may terminate the agreement upon the application of either of the councils interested or of his own motion from a day to be named in his Proclamation in that behalf and from such day the gaol of the adjoining county shall cease to be the common gaol of the first mentioned county. 61 Vic. c. 36, s. 6. *Amended.*

How terminated.

18. The issue of a Proclamation under this Act shall be conclusive evidence that the events have happened and that the conditions exist which authorize the issue thereof. 61 Vic. c. 36, s. 7.

Issue of Proclamation evidence of its validity.

19.—(1) The Lieutenant-Governor in Council shall, with respect of persons in custody undergoing imprisonment for offences against any law of Ontario or a by-law or charged with any such offence, or for whose arrest a warrant has been issued have all the powers conferred upon him in respect of offences against the laws of Canada by *The Prisons and Reformatories Act of Canada*, the provisions of which shall *mutatis mutandis* apply.

Powers of Lieutenant-Governor in Council.

(2) The cost of the maintenance of a prisoner, transferred under the authority of this section shall be paid and borne by the corporation of the county, from the gaol of which he is transferred and in case of dispute as to the amount which is payable shall be determined by the Inspector.

Cost of maintenance of prisoner.

(3) The expenses of the transfer of a prisoner under this section or under *The Prisons and Reformatories Act*, shall

And of his transfer.

be paid by the corporation of the county from the gaol of which the prisoner is transferred.

How  
settled.

(4) In case of dispute as to the amount payable under this or the preceding subsection the same shall be determined by the Inspector. *New.*

Detention  
in gaol  
pending  
removal to  
Provincial  
prison.

**20.** Any person sentenced to imprisonment in the Reformatory for Ontario or in the Andrew Mercer Ontario Reformatory for Females, may be detained in the common gaol until the proper officer requires the delivery to him of such person for conveyance to the Reformatory in which he or she is to be imprisoned. *New.*

#### REMOVAL OF PERSONS TO PROVINCIAL INSTITUTIONS.

Appoint-  
ment of  
bailiffs.

**21.**—(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common gaols of Ontario or other place of custody, and liable to be removed from thence to any provincial institution in which such person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Inspector. R.S.O. 1897. c. 314, s. 1. *Amended.*

Temporary  
bailiffs.

(2) The Inspector may authorize the employment of a suitable person to act as a temporary bailiff and such temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Provincial Secretary may direct. *New.*

Warrant for  
removal.

**22.** Any such bailiff may convey any person from the gaol or other place of custody to such provincial institution without further authority than the warrant of the Inspector, which shall be issued in duplicate, and such person shall be received into such institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. R.S.O. 1897, c. 314, s. 2.

Powers of  
bailiffs.

**23.** The bailiff, in the conveyance of such person to any of such provincial institutions, may secure and convey him in and through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such institution, such bailiff shall have, in every part of Ontario, the same power and authority

over and with regard to him, and to command the assistance of any person to prevent his escape, and to recapture him in case of an escape, as the sheriff of the county or district in which he was convicted or confined would have had in conveying him from one part to another of that county or district. R.S.O. 1897, c. 314, s. 3.

**24.** The bailiff shall give to the sheriff or gaoler one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, and every such person shall be kept in such institution until discharged by due course of law or removed under competent authority. R.S.O. 1897, c. 314, s. 4.

Balliffs to give and take receipts for persons in their charge.

**25.**—(1) The county, or other municipality, in which the gaol or other place of custody is situate and from which such person is removed by such bailiff, shall be liable to pay to the Treasurer of Ontario, on demand, the expenses incurred in the removal and conveyance of such person, together with sixty per centum added thereto.

Expenses of removal.

(2) Where a gaol is maintained jointly by a city and county, or in the case of a town separated from a county, the county shall be deemed to be the municipality in which the gaol is situate, and the city or town shall pay its just proportion of such expenses and additional percentage, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. R.S.O. 1897, c. 314, s. 5.

How borne.

3-4 Geo. V. c. 43.

#### EMPLOYING PRISONERS WITHOUT THE WALLS OF COMMON GAOLS.

**26.** The Lieutenant-Governor in Council may direct or authorize the employment beyond the limits of the common gaol upon any work or duty, the nature of which is specified in the Order in Council, of any person who is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario, or for the breach of a by-law of any municipal corporation or Board of Commissioners of Police. R.S.O. 1897, c. 316, s. 1. *Amended.*

Employment of prisoners outside gaol.

**27.** Every such prisoner shall, during such employment, be subject to the rules, regulations and discipline of the gaol, and to any regulations made by the Lieutenant-Governor.

Discipline of gaol to be observed during employment.

R.S.C. 1906  
c. 148, s. 13.

nor in Council under *The Prisons and Reformatories Act of Canada* or any Act thereby consolidated, for preventing escapes and preserving discipline. R.S.O. 1897, c. 316, s. 2.

Supervision.

**28.** No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. R.S.O. 1897, c. 316, s. 3.

Place of  
work to be  
deemed  
part of gaol.

**29.** Every street, highway or public thoroughfare on which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be deemed to be a part of the gaol for the purposes of this Act. R.S.O. 1897, c. 316, s. 4.

Division  
of earnings  
of prisoners.

**30.**—(1) An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the prisoners.

How and  
when made.

(2) The division shall be made by such officer, or other person, and at such time as the Lieutenant-Governor in Council shall direct. R.S.O. 1897, c. 316, s. 5.

Application  
of earnings  
between  
county and  
city or  
towns.

**31.** In the case of a county in which a city or separated town is situate, the share of such earnings which the city or town shall be entitled to receive from the county shall, in case the councils are unable to agree, be determined annually by arbitration under the provisions of *The Municipal Act*. R.S.O. 1897, c. 316, s. 6.

3-4 Geo. V.  
c. 43.

#### PROHIBITION OF INTOXICATING LIQUORS.

No intoxi-  
cating  
liquors  
to prisoners  
in gaols or  
industrial  
farms.

**32.**—(1) No gaoler, keeper or other officer of any gaol, lock-up or industrial farm shall sell, lend, use, or give away, or knowingly permit or suffer any intoxicating liquors within the meaning of *The Liquor License Act*, to be sold, used, lent or given away to any prisoner or to any person committed to an industrial farm, or to be brought into the same, other than as may be prescribed by or given by the direction of a legally qualified medical practitioner.

(2) No person shall give, convey or supply to any prisoner confined in any gaol or industrial farm, any intoxicating liquor within the meaning of *The Liquor License Act*, otherwise than as authorized by this Act.

Rev. Stat.  
c. 245.

(3) Every person who contravenes this section shall incur <sup>Penalty.</sup> a penalty of \$100 recoverable under *The Ontario Summary* <sup>10 Edw.</sup> *Convictions Act.* <sup>VII. c. 37.</sup>

(4) For a second offence of the like nature by such <sup>Second</sup> gaoler, keeper, or other officer, he shall also forfeit his office. <sup>offence</sup> <sup>by officer</sup> R.S.O. 1897, c. 315, ss. 1 and 2. *Amended.*

**33.** Section 179 of Chapter 51, sections 51, 52, 53 and 54 <sup>Repeal.</sup> of chapter 109, chapters 314, 315, and 316, sections 22, 23, 24, 25 and 26 of chapter 321 of the *Revised Statutes of Ontario, 1897*, chapter 36 of the Acts passed in the sixty-first year of the reign of Her late Majesty Queen Victoria, and section 24 of chapter 17 of the Acts passed in the second year of His present Majesty's reign, are repealed.

## CHAPTER 82.

An Act respecting the Erection of Court Houses  
in Territorial Districts.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title.     **1.** This Act may be cited as *The District Court Houses Act*.

Buildings  
for hold-  
ing courts  
to be court  
houses.     **2.** Any building now or hereafter erected and provided  
under the authority of the Lieutenant-Governor in Council  
in the District Town of any territorial District for the pur-  
pose of holding Courts therein, shall be the Court House of  
such District. R.S.O. 1897, c. 109, s. 50.

Regulations.     **3.** The Lieutenant-Governor in Council may prescribe  
regulations for the construction, management, inspection and  
repair of such Court House. *New.*

## CHAPTER 83.

## An Act respecting Provincial Hospitals for the Insane and the Custody of Insane Persons.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	REMOVAL TO COUNTRY FROM WHICH PERSON CAME, s. 28.
INTERPRETATION, s. 2.	ESCAPE AND RE-COMMITTAL, ss. 29-31.
CERTAIN HOSPITALS VESTED IN THE CROWN, s. 3.	MAINTENANCE OF PATIENTS, ss. 32-39.
DESIGNATION OF HOSPITALS FOR THE INSANE, s. 4.	POWERS AND DUTIES OF INSPECTOR, ss. 40-49.
OFFICERS, APPOINTMENT AND DUTIES OF, ss. 5, 6.	To act as Committee, ss. 40, 41.
ADMISSION TO HOSPITALS FOR THE INSANE, ss. 7-12.	To sue for maintenance, s. 43.
Ordinary cases, ss. 7-10.	Liability to account, s. 45 (1).
Destitute insane, s. 11.	Charge for services, s. 45 (2).
Voluntary patients, s. 12.	Application to court to be relieved from trust, s. 45 (3).
COMMITTAL OF DANGEROUS INSANE PERSONS AND CONVICTS, ss. 13-26.	Disputes, how settled, s. 46.
Insane persons, s. 23.	Costs of Inspector, s. 47.
Inquiry as to property, etc., of patient, ss. 20-26.	Moneys in Court payable to Inspector, s. 48.
DISCHARGE, s. 27.	Power to make special orders as to comfort of patient, s. 49.
	REPEAL, s. 50.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospitals for the Insane* Short title.  
Act. *New.*

2. In this Act,—

Interpreta-  
tion—

(a) “Father” shall include stepfather, and “mother” shall include stepmother; “Father.”  
“Mother.”

(b) “Hospital” shall mean a provincial institution for the care and treatment of insane persons;

(c)



"Inspector." (c) "Inspector" shall mean the Inspector designated by the Minister to inspect hospitals and public charities, under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting Provincial Hospitals for the Insane;

3-4 Geo. V.  
c. 88.

"Minister." (d) "Minister" shall mean the member of the Executive Council, charged for the time being with the administration of this Act;

"Patient." (e) "Patient" shall mean any insane person committed to or detained in a hospital;

"Prescribed form."

(f) "Prescribed form" shall mean the form prescribed by the Regulations;

"Regulations."

(g) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of *The Prisons and Public Charities Inspection Act*. R.S.O. 1897, c. 317, s. 1. *Amended.*

3-4 Geo. V.  
c. 88.

Certain hospitals vested in the Crown.

3. The Hospitals at Toronto, London, Kingston, Hamilton, Mimico, Brockville, Penetanguishene, Cobourg and Orillia, and any other Hospital hereafter established for the custody and treatment of insane persons, and all the property and effects real and personal belonging thereto, shall be vested in the Crown. R.S.O. 1897, c. 317, s. 2. *Amended.*

Designation of hospitals for Insane.

4. Such Hospitals shall be called "The Hospital for the Insane, Toronto," or "The Hospital for the Insane, London," or as the case may be. R.S.O. 1897, c. 317, s. 3. *Amended.*

#### OFFICERS.

Superintendent and officers, appointment of.

5.—(1) The Lieutenant-Governor in Council may from time to time appoint in each Hospital a superintendent, and such medical and other officers as may be deemed necessary.

Duties of superintendent.

(2) The superintendent shall be the chief executive officer and shall—

(a) direct and control the treatment of the patients;

(b) hire and discharge from time to time the nurses, attendants and employees;

(c)

- (c) watch over the internal management, and maintain the discipline and due observance of the regulations prescribed for the government of Hospitals for the Insane;
- (d) direct the training of nurses in accordance with the syllabus approved by the Minister;
- (e) report conditions to the Inspector;
- (f) report annually to the Inspector upon the affairs of the Hospital, with such suggestions as may in his opinion tend to its improvement. R.S.O. 1897, c. 317, s. 4. *Amended.*

**6.** The financial business and affairs of each Hospital shall be conducted by an officer appointed by the Lieutenant-Governor in Council to be called the Bursar, who shall—

The Bursar, appointed and duties of.

- (a) report the state of the income and expenditure of the hospital to the Inspector quarterly, and to the superintendent monthly;
- (b) perform such other duties as may be assigned to him under any regulations in force respecting Hospitals for the Insane, and in accordance with the direction of the Inspector. R.S.O. 1897, c. 317, s. 5.

#### ADMISSION TO HOSPITALS FOR THE INSANE.

**7.** No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates (Form 1) of two legally qualified medical practitioners, accompanied by the family history, in the prescribed form, and the financial and estate history in the prescribed form, and upon notice having been received from the Superintendent of the said Hospital that there is a vacancy for the patient. R.S.O. 1897, c. 317, s. 7, *part, amended.*

No admission without order of Lieutenant-Governor or certificate of two Doctors.

**8.—(1)** Every such certificate shall state that the medical practitioner signing it, personally examined the patient, separately from any other medical practitioner, and after due enquiry into all necessary facts relating to the case of the patient found him to be insane.

Certificate by whom to be made.

**(2)** The medical practitioner shall also in the certificate state the facts upon which he has formed his opinion, dis-

Contents.

Signature  
and attesta-  
tion.

Date.

Effect of  
certificates  
as author-  
ity to  
detain.

tinguishing the facts observed by him from the facts communicated to him by others; and every such certificate shall be signed in the presence of two subscribing witnesses and shall bear date within three months of the time of the admission of the patient. R.S.O. 1897, c. 317, ss. 7 *part* and 8.

9. The certificates when accompanied by the forms mentioned in section 7, shall be sufficient authority to any person to convey the patient to the hospital and to the authorities thereof to detain him therein, or to the authorities of any other provincial hospital for the insane to which the patient may have been or may be removed by the order of the Inspector to detain him in such hospital as long as he continues to be insane. R.S.O. 1897, c. 317, s. 9, *amended*.

Enquiry as  
to means  
of patient.

10.—(1) Upon due application for the admission of a patient the superintendent and bursar of the hospital shall make a full and thorough enquiry respecting the estate, either in existence or in prospect, of the patient, and of its sufficiency, free from all other claims by his family, to supply the means necessary for his maintenance and clothing in the hospital as provided by the regulations. *New*.

Bond to  
secure pay-  
ment.

(2) The superintendent and bursar shall require from the father, mother or friends of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part, and such agreement or bond shall continue in force so long as the patient is maintained in any provincial hospital for the insane.

Extent of  
obligation.

(3) Where the obligation is for a limited period, nothing herein shall extend the liability beyond the period limited. *New*. See R.S.O. 1897, c. 317, s. 10.

Agreement  
not to be  
a release  
of estate  
of patient.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the hospital as hereinafter provided. *New*.

Examina-  
tion of  
destitute  
insane  
persons.

11.—(1) In any municipality where an insane person is in destitute circumstances, and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall immediately notify two legally qualified medical practitioners to make the required examination.

Payment  
of expen-  
ses of ex-  
amination,  
etc.

(2) The council of the municipality shall pay to each of the medical practitioners for the examination and certificate

a sum not exceeding \$5, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying the patient to a hospital.

(3) Such sum shall be reimbursed to the corporation of the municipality by the corporation of the county, where the municipality is a part of the county for municipal purposes. <sup>Reimbursement.</sup>  
R.S.O. 1897, c. 317, s. 11.

#### ADMISSION OF VOLUNTARY PATIENTS.

**12.**—(1) The Superintendent of the hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application in Form 8, and whose mental condition is such as to render him competent to make application. <sup>Voluntary patients, how admitted.</sup>

(2) A person so received shall not be detained more than five days after having given notice in writing of his desire to leave the hospital. <sup>Limit of period of retention.</sup>

(3) The Superintendent shall within three days after the admission of the patient transmit to the Inspector the clinical record of such patient, and shall on the first day of each month transmit to the Inspector the names of all voluntary patients then remaining in the hospital. <sup>Clinical record.</sup> *New.*

#### PROCEEDINGS TO APPREHEND DANGEROUS INSANE PERSONS.

**13.**—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information, to be insane and dangerous to be at large, such justice may issue his warrant, Form 2, to apprehend such alleged insane person, and to cause him to be brought before such justice or any other justice having jurisdiction in the locality. 6 Edw. VII. c. 61, s. 1, *part*. <sup>Apprehension of person believed to be insane and dangerous to be at large.</sup>

(2) Every such warrant shall be under the hand and seal of the justice, and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large. <sup>Warrant to apprehend, form of.</sup>

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the infor- <sup>Before whom returnable.</sup>

mation has been laid and to bring him before the justice issuing the warrant, or before such other justice, in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. 6 Edw. VII. c. 61, s. 1, *part*.

Apprehension without warrant.

**14.** Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly, may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place, not being a gaol, lock-up, prison or reformatory until the question of his sanity is determined as prescribed by section 19. 6 Edw. VII. c. 61, s. 1, *part*. *Amended*.

Proceedings on apprehension.

Order.

**15.** Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in the next preceding section, he shall be brought before a justice, having jurisdiction in the locality in which such person was apprehended, and the justice may thereupon by his order, Form 3, direct that such alleged insane person be confined in some such safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the justice deems fit until the question of his sanity is determined, but in no case shall such alleged insane person be committed to any gaol, lock-up, prison or reformatory. 6 Edw. VII. c. 61, s. 1, *part*.

Appointment of medical examiners.

**16.**—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. 6 Edw. VII. c. 61, s. 1, *part*.

Examination made by two medical practitioners.

(2) Immediately upon the apprehension of an alleged insane person the justice before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two legally qualified medical practitioners, and shall cause an examination to be made in the manner provided in sections 7 and 8. 6 Edw. VII. c. 61, s. 1, *part*.

Hearing of evidence; enquiring among friends, etc.

**17.**—(1) The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had,

and

and for the purpose of ascertaining whether the alleged insane person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit, as far as possible, all information in respect to the matters mentioned in Form 7; but if the justice finds that such enquiries will be expensive, or that sufficient information has been obtained by other means, he shall not be required to make the enquiries by this section directed. 6 Edw. VII. c. 61, s. 1, *part*.

Information  
required by.

(2) The justice may from time to time adjourn the enquiry, and again commit to custody, as prescribed by section 15 until proper enquiry is made as directed by this section. 6 Edw. VII. c. 61, s. 1, *part*.

Adjourn-  
ment of  
enquiry.

**18.** Where the medical practitioners do not agree in opinion as to whether such person is or is not insane, they or any of them, may again examine him within one week after the first examination, and either of them may give a new certificate if upon such further examination he changes his opinion as to the mental condition of such person. 6 Edw. VII. c. 61, s. 1, *part amended*.

Medical  
practition-  
ers may re-  
examine on  
disagree-  
ment.

**19.** If, after reasonable enquiry has been made by the justice as herein directed, he is satisfied that such alleged insane person is not insane and dangerous to be at large, the justice shall forthwith discharge such person, but if after such enquiry he is satisfied that such alleged insane person is insane and dangerous to be at large, he shall certify accordingly, Form 4; but in every case, unless both the medical practitioners making the examination agree that such person is insane the justice shall forthwith discharge him. 6 Edw. VII. c. 61, s. 1, *part*.

Discharge  
of persons  
when not  
found  
insane.

Certificate  
by justice  
when person  
insane and  
dangerous  
to be at  
large.

**20.—(1)** The justice shall immediately transmit to the Inspector his certificate and the certificates of the medical practitioners, and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his enquiries as to the financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in Form 7, so far as ascertained, and giving the present address of such insane person, and the name and address of the person in whose custody he is.

Certificates,  
etc., to be  
sent by  
Justice  
to the In-  
spector.

(2) The Inspector, on receipt of such documents, shall at once arrange for the admission of such insane person to a hospital and shall issue a warrant in the prescribed form for his transfer thereto. 6 Edw. VII. c. 61, s. 1, *part*.

Inspector to  
make pro-  
vision for  
removal to  
hospital.



Expenses determining insanity and conveying to hospital.

When payable by county in which apprehended.

When payable by county in which last resided, and recoverable therefrom

County, city or separated town may recover expenses paid by it from estate.

Application of Summary Convictions Act.

10 Edw. VII. c. 37.

**21.**—(1) The costs properly incurred in determining the question of the sanity of an alleged insane person under the provisions of sections 13 to 25, including the fees, not exceeding \$5 each, and an allowance not exceeding twenty cents per mile for travelling expenses of the medical practitioners, and the necessary expenses of the removal and admission of such person to a hospital, and the expense, if any, of providing proper clothing for him shall be paid by the corporation of the county, city or separated town in which such person has been apprehended.

(2) If such person had not prior to his being apprehended resided in such county, city or separated town for one year, but had resided for that period in some other county, city or separated town, then such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended from the corporation of the county, city or separated town in which such person had last resided for one year; or if such person, although he had resided for one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for one year in some other county, city or separated town, then in like manner such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended, from the corporation of the county, city or separated town in which such person last resided for one year.

(3) Where the person certified by the justice to be insane and dangerous to be at large is not in destitute circumstances, the expenses referred to in subsection 1, paid by the corporation of any county, city or separated town in which such person has been apprehended may be recovered by it from the estate of such person or from the person legally liable for his maintenance, and the same shall be a charge against the estate of such person, or shall be paid by the person legally liable for his maintenance. 6 Edw. VII. c. 61, s. 1, *part.*

**22.** A justice in making an inquiry, shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Ontario Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act, and an appeal from his certificate shall lie to the judge of the county or district court. R.S.O. 1897, c. 317, s. 24. *Amended.*



## INSANE PRISONERS.

**23.** The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned in any prison other than a penitentiary for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, as the Lieutenant-Governor considers sufficient, may by warrant order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. R.S.O. 1897, c. 317, s. 26, *amended*, and see R.S.C. c. 146, s. 970.

Removal of prisoners from gaols to hospitals for insane.

**24.**—(1) A judge or deputy judge of the county or district court of the county or district in which is situate the prison, not being a penitentiary, in which any person imprisoned for an offence is confined, if such person is in the opinion of the prison surgeon, insane, may, and if required by the regulations, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 16 to 19. R.S.O. 1897, c. 317, s. 27.

Inquiries as to propriety, etc., of a person in gaol.

(2) The provisions of sections 20, 21 and 22 shall apply *mutatis mutandis* to inquiries made under this section. R.S.O. 1897, c. 317, s. 28.

Application of sections 20, 21 and 22.

**25.** Where the Judge and the medical practitioners, upon making a personal examination of the prisoner, do not agree in opinion as to whether his is or is not insane, they, or any of them, may again examine him and may give a new certificate. if upon such further examination they change their opinion as to his mental condition. R.S.O. 1897, c. 317, s. 29.

Where examiners do not agree as to the mental state of a person committed as insane a second examination may be made.

**26.** A warrant for the removal of any insane person to a hospital, may be issued, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the justice or the judge. R.S.O. 1897, c. 317, s. 34. *Amended.*

Order for removal.

## DISCHARGE.

**27.** Persons admitted to a hospital by warrant may be discharged by the Lieutenant-Governor, by the Inspector, or by the Superintendent.

Discharge by Lt.-Gov. or governor or superintendent.

by the superintendent, in accordance with the Regulations. R.S.O. 1897, c. 317, s. 32. *Amended.*

#### REMOVAL FROM A HOSPITAL FOR THE INSANE TO COUNTRY OF ORIGIN.

When re-  
turn may  
be ordered.

**28.** Upon its appearing to the Lieutenant-Governor that any insane person detained in a hospital has come or been brought into Ontario from elsewhere, within thirty days prior to his committal to such hospital, the Lieutenant-Governor, may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. R.S.O. 1897, c. 317, s. 36.

#### ESCAPE AND RECOMMITTAL.

Apprehen-  
sion on es-  
cape from  
hospital for  
the insane.

**29.** If a patient escapes from a hospital, any officer or servant of the hospital, or any other person, at the request of any such officer or servant, may without warrant, within forty-eight hours after such escape, and within one month after such escape where a warrant, in the prescribed form, has been issued by the superintendent, retake such escaped person, and return him to the hospital, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R.S.O. 1897, c. 317, s. 38.

Superinten-  
dent of hos-  
pital may  
give over  
patient  
to custody  
of his  
friends.

**30.—(1)** If the superintendent considers it conducive to the recovery of any person detained in the hospital that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them upon receiving a written undertaking, in the prescribed form, by one or more of the friends of such person, that he or they will keep an oversight over him. R.S.O. 1897, c. 317, s. 39.

Cases of  
imprison-  
ment for  
offences  
excepted.

**(2)** Nothing in this section shall authorize the temporary discharge of any person imprisoned for an offence, the period of whose sentence has not expired. R.S.O. 1897, c. 317, s. 40.

Recommittal  
to hospital  
for the  
insane  
from cus-  
tody of  
friends.

**31.** If within six months from such temporary discharge, the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form, directed to any constable or peace

officer

officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the hospital from which he was temporarily discharged, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the hospital. R.S.O. 1897, c. 317, s. 41.

#### MAINTENANCE OF PATIENTS.

**32.** Where a patient in a hospital is under the age of 21 years and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar of the said hospital to send a written notice to such father, mother, guardian or committee, giving the date of the patient's admission to the hospital and the amount which will become due for his maintenance each quarter as provided by the regulations. R.S.O. 1897, c. 317, s. 42. *Amended.*

Copy of certificate of admission, and of amounts required for maintenance to be sent to parents, etc.

**33.** On the first day of each of the months of February, May, August and November, a demand shall be made by the Inspector from the father or mother, guardian or committee, as the case may be, of the patient of such sum as may be due for the patient to the hospital and such sum shall be forthwith paid on such demand. *New.* See R.S.O. 1897, c. 317, ss. 43 and 44.

Liability for maintenance of patient

**34.—(1)** In case of refusal or neglect to pay the sum so demanded, the Inspector may apply to a Judge of the county or district court of the county or district in which the person liable to pay resides, for an order for the payment of the amount then due.

Order for payment for maintenance.

(2) Ten days' notice of the application shall be given. Notice.

(3) If the judge is satisfied that the person against whom the application is made is liable, and in the case of the father or mother is able to pay for such maintenance, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the patient, he may make an order accordingly. R.S.O. 1897, c. 317, s. 45. *Amended.*

Liability of father or mother.

**35.—(1)** Any person admitted to a hospital, who has at the time of his admission, or subsequently comes into the possession of property, shall be liable for his maintenance

Maintenance, liability for.

while

For married woman.

while in the hospital; and any person whose wife is detained in a hospital, shall be liable for her maintenance while detained therein.

Recovery of.

(2) The Inspector may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be his duty to enforce payment, unless upon inquiry, regard being had to the claims of persons having a moral or legal right to be maintained by the person liable, the Inspector considers that the claim for maintenance ought to be enforced. R.S.O. 1897, c. 317, s. 47.

When property of a patient may be taken possession of to pay for maintenance.

**36.**—(1) If a patient, upon or at any time after his admission into a hospital or sanitarium for mental diseases is possessed of or entitled to any property out of which the expenses of his maintenance in the hospital or sanitarium or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of it, and any sum due for the maintenance of the patient in the hospital is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector is more than sufficient or is not required to maintain the family, if any, of the patient, the Inspector may take possession of such property, or of so much of it as he deems necessary to pay or to secure the payment of the sum due or to become due for the maintenance of the patient in the hospital, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the patient, or as his committee under this Act, as fully and effectually to all intents and purposes as the patient could or might, if of full age and of sound and disposing mind: and notwithstanding the patient may have ceased to be an inmate of the hospital, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the patient was confined in the hospital; but no such lease, mortgage, sale or conveyance, shall be made without the written consent of the Attorney-General of Ontario. R.S.O. 1897, c. 317, s. 48.

Exercise of powers when deemed expedient.

(2) The Inspector may exercise the powers conferred by this section, notwithstanding that the property of the patient is not more than sufficient to maintain his family, and that by reason thereof it is not intended to require payment for the maintenance of the patient. R.S.O. 1897, c. 317, s. 49.

Where patient is in custody of friends.

(3) The Inspector may exercise the powers conferred by this section where the patient is committed to the custody of his friends as provided for in section 30. *New.*

**37.** Where any money or other property belonging to or to the estate of a patient has been received by the Inspector as his statutory committee, the Lieutenant-Governor in Council may authorize the Inspector to pay over to any member of the family of such patient, or other person dependent upon him, such amount as may be deemed proper, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the patient in the hospital. R.S.O. 1897, c. 317, s. 50; 6 Edw. VII. c. 61, s. 3.

Payment by Inspector to family of patient.

**38.** Every gift, grant, alienation, conveyance or transfer of property made by any person, who is or becomes an inmate of a hospital shall be deemed to be fraudulent and void, as against the Inspector, if the same is not made for full and valuable consideration actually paid, or sufficiently secured to such person, or if the purchaser or transferee had notice of the insanity. R.S.O. 1897, c. 317, s. 51.

Conveyances by patients void as against Inspector unless for value or without notice.

**39.** If the Inspector deems it necessary, in order to secure the payment of the maintenance of the patient, or for the interest of his estate so to do, he may exercise any of the powers conferred by section 36, although no sum is overdue for such maintenance. R.S.O. 1897, c. 317, s. 52.

Inspector may deal with property, though nothing due for maintenance.

#### POWERS AND DUTIES OF INSPECTOR.

**40.**—(1) The Inspector shall be *ex-officio*, and by his name of office, the committee of every insane person, who has no other committee, and who is detained in any hospital, sanitarium for mental diseases or place of safe custody.

Patients of whom the Inspector is the committee.

(2) The High Court Division may at any time appoint a committee of any such patient, and upon such appointment being made the Inspector, while there is any committee so appointed, shall not be the committee of the patient; but the Inspector upon delivering up the patient's estate shall retain so much thereof as may be required to pay any sum then due for maintenance. R.S.O. 1897, c. 317, s. 53. *Amended.*

High Court may appoint another committee.

(3) No application for the appointment of a committee shall be made until five clear days' notice thereof has been given to the Inspector, and with such notice shall be served a copy of the petition or notice of motion, and the affidavits to be used in support thereof. 6 Edw. VII. c. 61, s. 4.

Notice of application for appointment of committee to be given to Inspector.

**41.** Notwithstanding that another committee has been appointed, every act of the Inspector, as the committee of a patient, shall be valid and binding upon the estate of such patient, if done before a copy of the order appointing another committee, with notice of the approval by the Court of his sureties

When acts of the Inspector valid as against the committee appointed by the Court.

sureties has been served upon the Inspector. R.S.O. 1897, c. 317, s. 54.

Proceedings  
against  
persons  
under  
detention.

42. If an action or other proceeding is brought against a patient it shall be sufficient in order to bind the estate of such patient, or to make the proceedings otherwise valid, to serve any writ, process, paper or other document upon the Inspector, if the Inspector is named therein as committee. R.S.O. 1897, c. 317, s. 55. *New.*

Proceed-  
ings by  
Inspector.

43. Nothing in this Act shall make it the duty of the Inspector to institute proceedings on behalf of a patient or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of a patient who has no other committee of his estate, wherever the Inspector deems it expedient in the interest of the estate of the patient, or necessary in order to secure in the manner least burdensome to the estate of the patient, money due or to become due for his maintenance in a hospital. R.S.O. 1897, c. 317, s. 56.

Powers of  
Inspector  
as to es-  
tate of de-  
ceased in  
case he is  
the com-  
mittee at  
time of  
death.

44. If at the time of the death of a patient the Inspector is the committee of such patient, the said Inspector shall, until probate of the will or letters of administration of the estate of the patient is granted to some other person or persons, and the grant notified to the Inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office the same powers in respect of the estate of the deceased as an executor would have in respect of the estate of his testator, in case the same were bequeathed or devised to him in trust for the payment of debts and the distribution of the residue. R.S.O. 1897, c. 317, s. 57.

Inspector  
acting as  
committee  
to account.

45.—(1) The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the patient, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct. 1 Edw. VII. s. 12, s. 24.

Charges for  
services.

(2) For the services rendered by the Inspector in the management of the property or estate of a patient, the Minister may direct that a charge be made not exceeding the amount to which a trustee would be entitled for the like services, and not in any case more than 5 per cent. of the total value of such property or estate. *New.*



(3) When a person discharged from a hospital is not in the opinion of the Inspector competent to manage his affairs, and the Inspector has in his hands property of such person as committee under this Act, he may apply to the High Court Division to be relieved of such property and be discharged of his trust, and the court may give such orders and directions in the premises as it may deem just. 3 Edw. VII. c. 7, s. 49.

Application to court to be relieved from trust.

46. In the cases mentioned in the next preceding ten sections if doubt or opposition arises as to the right of property, the Inspector or the person claiming the property may apply to a Judge of the county or district court of the county or district in which the property, or any part of it, is situate, to try and determine the right of property, which he shall accordingly do. R.S.O. 1897, c. 317, s. 59.

Disputes as to property, how settled.

47. The costs, charges and expenses which the Inspector incurs in respect of the property or estate of a patient shall be the first charge upon any money coming into his hands and belonging to the patient. R.S.O. 1897, c. 317, s. 60.

Costs of Inspector a first charge on estate.

48. The High Court Division shall, upon application by the Inspector, direct to be paid to him out of any fund or money in Court belonging to the patient, the amount payable for maintenance of the patient. R.S.O. 1897, c. 317, s. 61.

Moneys in Court may be paid to Inspector for maintenance.

49. If the insanity of a patient is of such a nature, and he is possessed of such property, as would in the opinion of the superintendent justify the supply to him of greater comfort and attention than are supplied under the regulations, the Inspector may make such order in respect thereto as he may deem proper. R.S.O. 1897, c. 317, s. 62.

Inspector may make special order as to comfort of patient.

#### REPEAL.

50. Chapter 317 of The Revised Statutes of Ontario, 1897, Chapter 12 of the Acts passed in the 1st year, section 49 of Chapter 7 of the Acts passed in the 3rd year, and Chapter 61 of the Acts passed in the 6th year of the reign of His late Majesty King Edward the Seventh, are repealed.

Repeal.



## FORM 1.

Registered No. ....  
Case Book No. ....

## PROVINCE OF ONTARIO.

## PHYSICIAN'S CERTIFICATE.

(a) Name  
in full and  
set forth  
Qualifica-  
tion or  
Degree,  
(b) Locality  
(c) Name  
in full.  
(d) Resi-  
dence.  
(e) Occu-  
pation.

I, the undersigned (a) a legally qualified  
medical practitioner, residing and practising at (b)  
in the County of hereby certify that I, on the  
day of A.D. 191 , at in the County  
of separately from any other medical practitioner,  
personally examined (c) of (d)  
(e) and after making due enquiry into all  
facts in connection with the case of the said  
necessary to be enquired into in order to enable me to form a  
satisfactory opinion, I certify that the said  
is insane, and is a proper person to be confined in a hospital for  
the insane (*if the insane person is an idiot, add and that the said*  
*is an idiot*), and that I have formed this  
opinion upon the following grounds, namely:

1. Appearance.  
2. Conduct.  
3. Conversation.

## 1. Facts indicating insanity observed by myself:\*

\*The facts upon which (from personal observation) the opinion  
of insanity has been formed should always be specified.

(f) State  
the infor-  
mation  
and from  
whom re-  
ceived.

2. Other facts (if any) indicating insanity, communicated to me  
by others: (f)

Signed this day of A.D. 191 , at  
in the County of

Signed in the presence of

1. ....

2. ....

Witnesses.

.....  
Signature of Examining  
Practitioner.

N.B.—No person will be admitted to any Hospital for the Insane  
without the approval of the Superintendent or the Inspector, and  
the person should not be forwarded to such Hospital until notice  
has been received from the Superintendent or Inspector that ad-  
mission has been awarded.

Extract from the Revised Statutes of Ontario (1897), Chap. 317,  
Sec. 7:

7. No person shall be admitted into any of the said asylums as a  
lunatic (except upon an order of the Lieutenant-Governor) without  
the certificates (Form A, Schedule No. 1) of two medical prac-  
titioners, each attested by the signatures of two subscribing wit-  
nesses, and bearing date within three months of the time of such  
admission. R.S.O. 1897, c. 317, s. 7.

## FORM 2.

## WARRANT FOR THE APPREHENSION OF DANGEROUS INSANE PERSON.

Province of Ontario }  
County of }

To all or any of the Constables or other Peace Officers in the said County of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of , that A. B. is insane, and dangerous to be at large:

These are therefore to command you, in His Majesty's name, forthwith to apprehend the said A. B. and bring him before me (*or us*), or some one or more of His Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said A. B., and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this day of ,  
in the year of our Lord , at , in the  
County of

[L. S.]

R.S.O. 1897, c. 317, Sched. No. 1, Form B.

## FORM 3.

## WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING ENQUIRY.

Province of Ontario, }  
County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, information upon oath was laid before me (*or us*) one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of that A.B. is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of at o'clock in the (fore) noon at , and it is necessary that the said A. B. should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said A. B. to , and there deliver him to the custody of , together with this precept;

And I hereby require you the said to receive the said A. B. into your custody and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said A. B. at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our*) hand and seal this day of  
in the year of our Lord at in the county aforesaid.

6 Edw. VII., c. 61, s. 5.

FORM

## FORM 4.

## CERTIFICATE OF JUSTICE.

Province of Ontario, )  
County of )

I, the undersigned *C. D.*, Esquire, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of A.D. 19 , personally examined *A. B.* of the of in the county of and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane and dangerous to be at large.

Signed this day of A.D. 19 , at in the County of .

6 Edw. VII. c. 61, s. 6.

## FORM 5.

## CERTIFICATE OF MEDICAL PRACTITIONER WHERE PERSON UNDER ARREST IS NOT FIT FOR HOSPITAL FOR THE INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 19 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, (*give address of insane person*), and I further certify that I am satisfied that the said *A. B.* is not insane (*or that the said A. B., though insane, is not dangerous to be at large*), and is not in my opinion a fit person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at in the County of

R.S.O. 1897, c. 317, Sched. No. 1, Form F.

## FORM 6.

## CERTIFICATE OF JUSTICE WHEN PERSON UNDER ARREST IS INSANE.

Province of Ontario  
County of

I, the undersigned *C. D.*, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of A.D. 19 , personally examined *A. B.* (*give his address*), and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at in the County of

R.S.O. 1897, c. 317, Sched. No. 1, Form H.

## FORM 7.

INFORMATION TO BE ELICITED UPON ENQUIRY.

QUESTION	ANSWER
1. The name in full of alleged insane person .....	
2. Post Office address of such person .....	
3. County in which apprehended .....	
4. City, Town, Incorporated Village or Township in which apprehended .....	
5. How long a resident of such City, Town, Village or Township .....	
6. Age .....	
7. Occupation .....	
8. Religion .....	
9. Nationality .....	
10. Sex .....	
11. Whether married or single, and if single, whether ever married...	
12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship .....	
13. Number of children, if any, their names and ages, and their Post Office addresses and, if under age, state with whom residing .....	
14. How long such person has been insane .....	
15. Duration of the present attack, and whether the first .....	
16. How the insanity first showed itself, and the supposed causes .....	
17. Whether any delusions, and if so what they are.	
18. Whether such person is suicidal or dangerous to others .....	

QUESTION.	ANSWER
19. Whether any offence has ever been committed by such person, and whether such person has ever been convicted of same, with all particulars .....	
20. Whether such person is subject to epilepsy or paralysis .....	
21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where .....	
22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed — whether the change has been recent, gradual or sudden .....	
23. Whether such person has been subject to any bodily ailments, and if so, their nature .....	
24. Degree of education of such person, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case .....	
25. Whether such person is idiotic, imbecile or incurable .....	
26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any of such friends, and how much they, or any of them can contribute ....	
27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any?	

QUESTION.	ANSWER.
28. Has such person any moneys on deposit in banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit? .....	
29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are .....	
30. If such alleged insane person is under the age of twenty-one years, what property, real or personal, has the parent or guardian? What does it consist of and where is it situated; also state value and encumbrances, if any .....	
31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses.	

---

*Signature of Justice.*

---

*Post Office Address.*

6 Edw. VII. c. 61, s. 7.

Date

19

N.B.—The above form should be carefully filled in and should contain all the information available.

*Note. Forms A, B, C, G, H, J, K, L, M of Sched. 1 are omitted as being proper matters for the Regulations.*

## FORM 8.

(Section 12.)

FORM OF APPLICATION FOR THE ADMISSION OF A VOLUNTARY PATIENT  
TO THE HOSPITAL FOR THE INSANE AT

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_  
being \_\_\_\_\_ request the Superintendent of the Hospital  
for the Insane at \_\_\_\_\_ to admit me as a Voluntary Patient,  
and I hereby pledge myself to remain in the said Hospital at  
\_\_\_\_\_ for a period, not exceeding one year, which the said  
Superintendent may deem necessary to effect a permanent cure in  
my case; and I further pledge myself to give at least five full days'  
notice in writing to the said Superintendent of my intention to leave  
the said Hospital for the Insane; and I further pledge myself to  
submit to the rules and regulations of the said Hospital now in  
force or which may hereinafter be enacted and to carry out or as-  
sist in carrying out all the directions which the said Superintendent  
may give for my treatment, and also to conduct myself in such a  
manner as not to be guilty of any conduct prejudicial to the good  
order and discipline of the said Hospital.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 191 \_\_\_\_\_, at  
in the County of \_\_\_\_\_.

In the presence of \_\_\_\_\_

I hereby testify that the above named person \_\_\_\_\_ is as  
stated in the above application a \_\_\_\_\_ and that he is a  
reasonably hopeful subject for treatment with a view to effecting  
a cure of his malady.

M.D. \_\_\_\_\_

Dated at \_\_\_\_\_ A.D. 191 \_\_\_\_\_.



## CHAPTER 84.

## An Act respecting The Toronto General Hospital.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.  
 INTERPRETATION, s. 2.  
 GOVERNMENT, ss. 3-10.  
 ELECTION OF TRUSTEES BY SUB-  
 SCRIBERS, s. 11.  
 POWERS OF TRUSTEES, ss. 12-18.  
 NEW HOSPITAL BUILDINGS, s. 19.  
 EXECUTION OF DOCUMENTS, s. 20.  
 BY-LAWS, s. 21.

BENEFACTORS, VISITORS AND AN-  
 NUAL SUBSCRIBERS, ss. 22, 23.  
 MEDICAL STUDENTS, s. 24.  
 PAYING PATIENTS, s. 25.  
 CITY PATIENTS, s. 26.  
 HOSPITAL STAFF, s. 27.  
 RETURNS, s. 28.  
 REPEAL, s. 29.

**H**IS MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

1. This Act may be cited as *The Toronto General Hospi-Short title.*  
*tal Act, 1913.* 6. Edw. VII. c. 59, s. 1.

## INTERPRETATION.

2. In this Act,

Interpreta-  
 tion.

- (a) "Board" shall mean the Trustees of the Toronto "Board."  
 General Hospital;
- (b) "Hospital" shall mean the Toronto General Hos-"Hospital."  
 pital;
- (c) "Subscribers" shall mean Benefactors and Annual "Subscrib-  
 ers."  
 Subscribers as defined by this Act. 6 Edw. VII.  
 c. 59, s. 2.

## GOVERNMENT OF HOSPITAL.

3. The Toronto General Hospital and the property Election and  
 revenues, business and affairs thereof shall continue to be appointment  
 under the government, management, conduct and control of of 26  
 Trustees.

a Board of twenty-five Trustees, of whom eight shall be appointed by the Lieutenant-Governor in Council, five by the Governors of the University of Toronto, and five by the municipal council of the Corporation of the City of Toronto, and seven shall be elected by the subscribers, and the trustees shall continue to be a body corporate by the name of "The Trustees of the Toronto General Hospital." 6 Edw. VII. c. 59, s. 4 and s. 14, *part*.

Present members.

4. The members of the Board in office at the time of the passing of this Act shall hold office for the remainder of the respective terms for which they were appointed or elected and until their successors are chosen. *New.*

Appointment by City of Toronto.

5.—(1) The trustees hereafter appointed by the Corporation of the City of Toronto shall hold office for one year and until their successors are appointed.

Appointment by Lieutenant-Governor in Council and by University and election by subscribers.

(2) The trustees hereafter appointed by the Lieutenant-Governor in Council and by the Governors of the University of Toronto and those elected by the subscribers shall hold office for three years and until their successors are chosen. 6 Edw. VII. c. 59, s. 5, *part*.

Time of appointment or election.

6. All trustees shall be appointed or elected in the month of January in each year in the place of those whose term of office expires. 6 Edw. VII. c. 59, s. 5, *part*.

Trustees to be eligible for re-election.

7. A trustee whose term of office has expired shall be eligible for reappointment or re-election as the case may be. 6 Edw. VII. c. 59, s. 5, *part*.

Members of staff not eligible as Trustees.

8. A member of the Hospital Staff shall not be eligible to be a Trustee and if a member of the Board accepts or occupies a position on the Hospital Staff or goes to reside out of Ontario, or becomes insane or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of the vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. 6 Edw. VII. c. 59, s. 5, *part*.

Vacancies.

9. Where a vacancy occurs from any cause it shall be filled by the body possessing power to appoint or elect, and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the Trustee whose place he is appointed or elected to fill. 6 Edw. VII. c. 59, s. 5, *part*.

**10.** Five members shall constitute a quorum of the Board. <sup>Quorum.</sup>  
6 Edw. VII. c. 59, s. 5; 10 Edw. VII. c. 26, s. 14.

ELECTION OF TRUSTEES BY SUBSCRIBERS.

**11.**—(1) A meeting of the subscribers for the election of <sup>Date of</sup>  
trustees to fill the places of retiring trustees shall be held <sup>election.</sup>  
annually on the second Tuesday of the month of January.

(2) Elections to fill the vacancies arising from any other <sup>Casual</sup>  
cause than the expiration of the term of office shall be held <sup>vacancies.</sup>  
at such times as the Board may by by-law or resolution ap-  
point. 6 Edw. VII. c. 59, s. 6.

(3) The meetings shall be held at the Hospital at such <sup>Place of</sup>  
hour as the Board by resolution appoints and the Sec- <sup>election—</sup>  
retary of the Board shall for at least ten days prior to the <sup>Notice.</sup>  
holding of any such meeting give public notice thereof in  
two newspapers published daily in Toronto. 6 Edw. VII.  
c. 59, s. 7.

(4) The Solicitor of the Board or in his absence a person <sup>Who to</sup>  
elected by the meeting shall preside, and the Secretary shall <sup>preside—</sup>  
act as the secretary of the meeting and shall produce a <sup>Secretary.</sup>  
certified list of the subscribers with a statement of the  
amount of each subscription, and such list shall be open to  
public inspection. 6 Edw. VII. c. 26, s. 8.

(5) The election shall be by ballot taken by two or more <sup>Mode of</sup>  
scrutineers appointed by the chairman of the meeting and <sup>election.</sup>  
each subscriber shall be entitled to vote in person, or by  
proxy under an instrument of proxy duly executed under  
his hand given to a subscriber entitled to vote at such elec- <sup>Proxies.</sup>  
tion.

(6) An instrument of proxy shall be valid for one year <sup>Duration of</sup>  
only. <sup>proxy.</sup>

(7) In case of an equality of votes between two or more <sup>Determining</sup>  
persons which leaves the election of one or more trustees un- <sup>election by</sup>  
decided, the scrutineers shall forthwith put into a ballot box <sup>lot in case</sup>  
a number of papers with the names of the candidates re- <sup>of tie vote</sup>  
spectively having such equality of votes, written thereon,  
one for each candidate, and the chairman shall draw from the  
ballot box in the presence of the scrutineers one or more of  
the papers sufficient to make up the required number of trus-  
tees, and the persons whose names are upon the papers so  
drawn shall be the trustees elected. 6 Edw. VII. c. 59, s. 9.

## POWERS OF TRUSTEES.

Powers of  
Trustees  
under pres-  
ent Acts  
continued.

**12.**—(1) Subject to the provisions of this Act the Board shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Taking and  
holding  
lands with-  
out license  
in Mort-  
main.

(2) The Board shall be capable of receiving and taking from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects, for the use, support or purposes of the Hospital and without license in Mortmain; and all persons and bodies corporate shall have full and unrestricted right and power to give, grant, devise and bequeath to the Board any land or interest in land or any goods, chattels or effects. 6 Edw. VII. c. 59, s. 10, *part*.

Exemption  
from ex-  
propriation.

(3) No real property or interest therein vested in the Board and used for hospital purposes shall be liable to be entered upon, used or taken by any municipal or other corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property. 6 Edw. VII. c. 59, s. 10, *part, re-drafted*.

Exemption  
from taxa-  
tion.

**13.** The buildings and land of and attached to or otherwise *bona fide* used in connection with and for the purposes of the Hospital, so long as such buildings and land are actually used and occupied for the purposes of the Hospital, and the personal property of the Board shall be exempt from all taxation, including school rates or taxes. 6 Edw. VII. c. 59, s. 10, *part. Amended*.

Limitation  
of actions.

**14.** All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Board in respect of land vested in the Board. 6 Edw. VII. c. 59, s. 10, *part*.

Power to  
dispose of  
site on  
Gerrard  
Street and  
other lands.

**15.**—(1) The Board may sell, dispose of or mortgage any land vested in it, including the block of land at present occupied by the hospital, bounded by Gerrard, Sumach, Spruce and Sackville streets, upon such terms as to payment

of purchase money as may seem best; or may lease the same for any period not exceeding twenty-one years with the right of renewal for periods not exceeding twenty-one years in perpetuity, and subject to such covenants, conditions, agreements, stipulations and provisos as may seem best, but land vested in the Board which is charged with debentures shall remain subject to such charge until the same are paid, unless sold with the consent of the holders of the debentures. 6 Edw. VII. c. 59, s. 11.

(2) Nothing in subsection 1 shall authorize the Board to sell the Hospital which it is now erecting on College Street or the land used in connection with it, but this restriction shall not prevent the Board from mortgaging the Hospital and lands nor shall it interfere with any of the remedies by way of sale or otherwise of the mortgagees.

**16.**—(1) The Board may without the consent of the owner thereof, or any person interested therein, enter upon, take, use, and expropriate all such real property at it deems necessary for the purposes of the hospital, making due compensation therefor to the owners and occupants thereof, and all persons having any interest therein and may pass by-laws for that purpose.

(2) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred; and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board, or at his office, as the case may be.

(3) The Board may register any by-law passed for the purposes of subsection 1 by depositing in the proper registry office or land titles office a copy of such by-law certified under the hands of the chairman and the secretary of the Board and authenticated by its seal and the registration of the by-law shall vest the real property therein described in the Board. 6 Edw. VII. c. 59, s. 12 (1), (2), (5). Amended.

**17.**—(1) The Board may from time to time with the approval of the Lieutenant-Governor in Council borrow for the purposes of the Hospital such sums as may be required for the purposes of the Hospital and may issue debentures therefor in such sums, at such rate of interest and for such periods as it may deem expedient.

Currency of debentures.

(2) No such debenture shall be issued for a longer period than forty years and the interest shall be payable yearly, half yearly or quarterly.

Mortgage to secure debentures.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any land vested in the Board. 6 Edw. VII. c. 59, s. 13.

Powers as to investments.

**18.** The Board may invest in such securities as may be deemed advisable, all money which may at any time come into its hands for the use and support of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing. 6 Edw. VII. c. 59, s. 14, *part*.

#### NEW HOSPITAL BUILDINGS.

Erection of buildings, etc., for Hospital.

**19.**—(1) Without thereby limiting the general powers hereinbefore conferred the Board may erect, equip and maintain all buildings required for the purposes of the Hospital upon such sites as the Board may deem proper.

Burnside Lying-in Hospital.

(2) In the event of the Board abandoning the hospital site mentioned in section 15, it shall be the duty of the Board in erecting new hospital buildings upon another site to erect upon a portion of such site a building suitable in every respect for the purposes of a lying-in hospital and maintain and support the same in connection with the hospital as part of it upon the terms and conditions set forth in the resolutions of The Burnside Lying-in Hospital and the Hospital, authorizing the merger of The Burnside Lying-in Hospital in the Hospital, and such building shall be called "The Burnside Lying-in Hospital."

"Andrew Mercer Eye and Ear Infirmary."

(3) The Board shall provide in connection with the hospital which it is now erecting on College street, a building which shall be set aside as an eye and ear infirmary and shall be called "The Andrew Mercer Eye and Ear Infirmary."

Nature of buildings.

(4) A section or wing of the hospital building shall be deemed to be a building within the meaning of subsections 2 and 3. 6 Edw. VII. c. 59, s. 15.

#### EXECUTION OF DOCUMENTS.

Execution of documents by corporation.

**20.**—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal, shall be sealed with the corporate seal

seal of the Board and shall be signed by the Chairman or some person thereto authorized by resolution of the Board and countersigned by the Secretary, or some person thereto authorized by resolution of the Board.

(2) All cheques, promissory notes and drafts shall be signed by the Chairman or some person thereto authorized by resolution of the Board and countersigned by the Secretary, or some person thereto authorized by resolution of the Board. 6 Edw. VII. c. 59, s. 16. Negotiable instruments.

#### BY-LAWS.

**21.**—(1) The Board shall appoint and may remove a Secretary, a Treasurer, the Medical and other Superintendents and their assistants and clerks, and all other officers and servants of the Board, and may enact by-laws and regulations for the management of the Hospital and the trust and for fixing all salaries and wages, and subject to section 27 for regulating the composition of the hospital staffs, their numbers, terms of office, privileges and duties. Appointment and removal of officers and staff.

(2) Such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within 30 days after the same have been enacted, and shall not come into force until approved by him. 6 Edw. VII. c. 59, s. 17; 8 Edw. VII. c. 33, s. 60. By-laws and regulations.

#### BENEFACTORS, VISITORS AND ANNUAL SUBSCRIBERS.

**22.** Every person who before the 14th day of May, 1906, had subscribed \$500 or upwards to the fund of the Hospital, and every person who has since subscribed or may hereafter subscribe \$1,000 or upwards shall be a "Benefactor" of the Hospital, and the Board shall erect a tablet in the principal entrance hall of the Hospital upon which shall be inscribed the names of the Benefactors and the amounts subscribed by them respectively. "Benefactors."

(2) The Benefactors shall be Visitors of the Hospital. 6 Edw. VII. c. 59, s. 18. Visitors.

**23.** Every person who shall have subscribed \$100 or upwards to the fund of the Hospital in the year immediately preceding an election of subscribers' trustees at which he desires to vote shall be an "Annual Subscriber." 6 Edw. VII. c. 59, s. 19. Who be deemed "annual subscriber."

#### MEDICAL STUDENTS.

**24.**—(1) The Board shall allow any medical student of the University of Toronto to visit the wards of the hospital and Right of medical students to attend hospital.



and attend them for the purpose of receiving instruction from the members of the Faculty of Medicine of the University upon the payment of such fees and under such regulations and restrictions as the Board by by-law or resolution appoints.

**Regulations.**

(2) The Lieutenant-Governor in Council may from time to time make regulations and prescribe conditions under which the Board shall admit other students in Medicine, including post-graduate students, to receive medical instruction from such Faculty as provided by subsection 1. 6 Edw. VII. c. 59, s. 20.

**PAYING PATIENTS.**

Right of  
paying  
patients to  
attendance  
of their own  
physician.

**25.**—(1) The Board shall allow every patient paying sufficient to cover all the cost to the Board of his maintenance and support while in the Hospital to employ his own surgeon or physician, subject to the regulations of the Board.

"Paying  
their way."

(2) The words "paying their way" where they occur in the 7th section of By-law No. 4579 of the City of Toronto shall mean "paying sufficient to cover all the cost to the Board of their maintenance and support while in the Hospital." 6 Edw. VII. c. 59, s. 21.

**CITY PATIENTS.**

Patients  
sent from  
city of  
Toronto.

**26.** The Board shall afford accommodation as far as possible to patients sent into the Hospital on the order of the Corporation of the City of Toronto upon payment to the Board of such rates as may from time to time be agreed upon, and subject to such regulations and restrictions as the Board may by by-law or resolution appoint. 6 Edw. VII. c. 59, s. 22.

**THE HOSPITAL STAFF.**

Hospital  
staff.

**27.** The composition and number of the Hospital Staff, and the terms of office, the duties and the privileges of the members thereof shall be regulated by and be in accordance with the agreement between the Governors of the University of Toronto and the Board and the by-law of the Board set out in Schedule 1 to the Act passed in the first year of His Majesty's reign, Chapter 80, intituled, *An Act respecting the Toronto General Hospital.* *New.*

1 Geo. V.  
c. 80.

**STATEMENTS TO GOVERNMENT.**

**Returns.**

**28.** In addition to the returns required by any other Act the Board when required so to do by the Lieutenant-Governor in Council shall render an account in detail of all money received by it specifying the sources from which the same arose or was received and the manner in which the same is  
- invested

invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital. 6 Edw. VII. c. 59, s. 25.

**29.** Chapter 59 of the Statutes passed in the sixth year of the reign of His late Majesty King Edward the Seventh, and section 60 of *The Statute Law Amendment Act, 1908*, and section 14 of *The Statute Law Amendment Act, 1910*, are **repealed.** Repeal.

## CHAPTER 85.

An Act respecting Private Sanitaria for  
Mental Diseases.*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	MEDICAL ATTENDANCE, ss. 40-42.
INTERPRETATION, s. 2.	INSPECTION BY BOARD OF VISITORS AND INSPECTOR, ss. 43-47.
LICENSE HOW OBTAINED, ss. 3-8.	DISCHARGE OF PATIENTS, ss. 48-50.
BOARD OF VISITORS, ss. 9-15.	INFORMATION TO BE GIVEN ON IN- QUIRY, s. 51.
REMOVAL OF SUPERINTENDENT, s. 16.	ORDERS FOR ADMISSION, s. 52.
FEES FOR LICENSES, ss. 17-19.	MISCELLANEOUS PROVISIONS, ss. 53-61.
ALTERATION OF LICENSED PREM- ISES, ss. 20, 21.	ADMISSION OF ALCOHOLIC HABITU- ATES, ss. 62-70.
TRANSFER OF LICENSE, ss. 22, 23.	APPLICATION OF ss. 8 and 9 of <i>The Prisons and Public Charities Inspection Act, s.</i> <i>71.</i>
REMOVAL TO OTHER PREMISES, s. 24.	REPEAL, 72.
ADMISSION OF PATIENTS, ss. 25-35.	
PROCEDURE IN CASE OF ESCAPE, s. 36.	
PROCEDURE IN CASE OF REMOVAL, OR DISCHARGE, ss. 37-39.	

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

- Short title      1. This Act may be cited as *The Private Sanitarium Act*.
- Interpreta-      2. In this Act
- tion.
- "Board."      (a) "Board" shall mean Board of Visitors;
- "Drug      (b) "Drug habituate" shall mean a person who habit-
- habituate."
- usually uses any poisonous or narcotic drug or other  
substance in such quantities or so frequently as  
to endanger his health or reason;

(c)

- (c) "Inspector" shall mean the Inspector designated by the Minister to inspect Hospitals and Public Charities under *The Prisons and Public Charities Inspection Act*; to whom assigned the duty of inspecting institutions subject to this Act; <sup>183-4 Geo. V. c. 88.</sup>
- (d) "Intoxicating liquor" shall have the meaning given to it by *The Liquor License Act*; <sup>"Intoxicating liquor."</sup>
- (e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; <sup>"Minister."</sup>
- (f) "Proprietor" shall mean every person or corporation to whom a license is granted under the provisions of this Act, and every person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium; <sup>"Proprietor."</sup>
- (g) "Sanitarium" shall mean an institution for the care and treatment of mental and nervous diseases licensed under the provisions of this Act; <sup>"Sanitarium."</sup> R.S.O. 1897, c. 318, s. 1. *Amended.*

#### LICENSE, HOW OBTAINED, ETC.

3. When the proprietor of a sanitarium desires to obtain a license for such sanitarium under the provisions of this Act, he shall give notice thereof to the Minister. R.S.O. 1897, c. 318, s. 2. *Amended.* <sup>Notice of application for license.</sup>

4. The notice shall contain the Christian name and surname, place of abode, and occupation of the proprietor, unless such proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of such proprietor's estate or interest in such house; and if the proprietor to whom the license is desired to be granted does not propose to reside himself in the licensed house, the notice shall contain the Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. R.S.O. 1897, c. 318, s. 3. <sup>Contents of notice.</sup>

5. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement shewing <sup>Plan of the house, etc.</sup>

(a) the situation thereof;

<sup>Its situation.</sup>

(b)

- Size of room. (b) the length, breadth and height of, and a reference by a figure or letter, to every room and apartment therein;
- Extent of grounds. (c) the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein;
- Number of patients provided for. (d) the number of patients, proposed to be received into such institution, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, the number of each sex proposed to be received in such institution, and the means by which the one sex may be kept separate and apart from the other. R.S.O. 1897, c. 318, s. 4;
- Sanitary regulations, etc. (e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire, and the means for preventing fires. *New.*
- Time notice to be sent to Inspector. **6.**—(1) The notice, with the plan and statements required by the next preceding section, shall be sent to the Inspector at least two weeks before the reception of patients.
- Inspector to report. (2) The Inspector shall thereupon visit the proposed Sanitarium and inspect the same, and report thereon to the Lieutenant-Governor in Council. R.S.O. 1897, c. 318, s. 5.
- License to proprietors. **7.** If the Inspector reports that the buildings and premises are ready and fit for occupation as a sanitarium, the Lieutenant-Governor in Council may issue a license to the proprietor to keep and maintain the same for the purposes of a sanitarium and receive therein the number of patients named in the Inspector's report, and such license shall continue in force until revoked by the Lieutenant-Governor in Council on the report of the Inspector. R.S.O. 1897, c. 318, s. 6. *Amended.*
- Security by licensee. **8.** No such license shall be granted unless the proprietor gives security to His Majesty in the sum of \$1,000, under the usual conditions for the good behaviour of such proprietor during the time for which the license continues in force. R.S.O. 1897, c. 318, s. 7. *Amended.*

## BOARD OF VISITORS.

Board of Visitors.

- 9.**—(1) Every sanitarium shall be under the supervision and inspection of a board of visitors, composed of the judge,

or

or in the case of his absence or disqualification a junior or deputy judge of the county or district court, the clerk of the peace and the sheriff of the county or district in which the sanitarium is situate, together with two legally qualified medical practitioners appointed by the Lieutenant-Governor in Council, who shall hold office for three years unless sooner removed by him.

(2) The judge shall be the chairman, and the clerk of the peace shall be the secretary of the Board. Chairman. and secretary.

(3) The members of the Board shall be paid by the proprietor such allowance for their services as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 318, s. 8. Allowance to members.  
*Amended.*

**10.**—(1) No member of the Board shall be pecuniarily interested in any sanitarium, either directly or indirectly, and any member who, after his appointment, becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity. Visitors not to have a pecuniary interest in any sanitarium.

(2) If a member of the Board is or becomes so disqualified, the Lieutenant-Governor in Council may appoint some one to act in his stead. R.S.O. 1897, c. 318, s. 9. *Amended.* Appointment in case of disqualification.

**11.**—(1) The visitors shall, before acting, take and subscribe the following oath: Oath of visitors.

"I, A. B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of *The Private Sanitarium Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

(2) The oaths shall be filed in the office of the Clerk of the Peace. R.S.O. 1897, c. 310, s. 10. *Amended.* Oath to be filed.

**12.** The secretary shall summon the Board to meet for the purpose of executing their duties under this Act. R.S.O. 1897, c. 318, s. 11. Meeting of visitors.

**13.** Every such summons and meeting shall be made and held as privately as possible, and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited, shall know of such intended visitation. R.S.O. 1897, c. 318, s. 12. Visitors' meetings to be private.

**14.**—(1) If the secretary at any time desires to employ an assistant in the execution of the duties of his office, he Assistant secretary.

shall certify such desire, and the name of the proposed assistant to the chairman of the Board, and if such assistant is approved of, the chairman shall administer the following oath to such assistant:

Oath of

"I, A. B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the Secretary of the Board of Visitors, appointed for the county or district of \_\_\_\_\_ by virtue of *The Private Sanitarium Act*, unless required to divulge the same by legal authority: So help me God."

At whose cost.

(2) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1897, c. 318, s. 13. *Amended.*

Restrictions upon physicians who are visitors.

**15.**—(1) No medical practitioner who is a member of the Board shall sign any certificate for the admission of any patient into any sanitarium, or shall professionally attend upon any patient therein, unless he is directed to visit such patient by the person upon whose order such patient has been received into the sanitarium, or by the Minister or by one of the Judges of the Supreme Court or by some person appointed by one of such Judges for that purpose. R.S.O. 1897, c. 318, s. 14. *Amended.*

Penalty.

(2) For every contravention of subsection 1 the medical practitioner shall incur a penalty of \$200. R.S.O. 1897, c. 318, s. 15.

#### REMOVAL OF SUPERINTENDENT.

Removal of Superintendent.

**16.** A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent, upon giving to the Board a notice containing the Christian name and surname, place of abode and occupation of the new superintendent. R.S.O. 1897, c. 318, s. 16.

#### FEEs FOR LICENSES.

Fees.

**17.** For every license there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5; and if the total amount so payable does not amount to \$200, so much more as together therewith will make up the sum of \$200, and no such license shall be delivered until the sum payable for the same has been paid. R.S.O. 1897, c. 318, s. 17. *Amended.*

Application of fees.

**18.** All money received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the

costs



costs, charges and expenses incurred by or under the authority of the Board, in the execution of or by virtue of this Act. R.S.O. 1897, c. 318, s. 18.

**19.** The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the Board and forwarded to the Minister: Clerk of the Peace to keep accounts of moneys received or expended. R.S.O. 1897, c. 318, s. 19.

#### ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

**20.** No one license shall include or extend to more than one sanitarium; but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement, in the same manner in all particulars as if the same had formed part of such sanitarium, then such detached place or building, if the Lieutenant-Governor in Council thinks fit, may be included in the license for the sanitarium, and if so included, shall be considered part of such sanitarium for the purposes of this Act. R.S.O. 1897, c. 318, s. 20. To what premises license may extend.

**21.** No addition or alteration shall be made to, in or about any sanitarium, or the appurtenances, unless previous notice in writing of the proposed addition or alteration, accompanied with a plan thereof, drawn upon the prescribed scale, and accompanied by the prescribed statement, has been given to the Inspector by the proprietor, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R.S.O. 1897, c. 318, s. 21. Alterations in sanitarium

#### TRANSFERS AND REMOVALS.

**22.** If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the license, the Lieutenant-Governor in Council may authorize the transfer of the license, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house, or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve; and in the meantime the license shall remain in force, and have the same effect as if granted to the superintendent. R.S.O. 1897, c. 318, s. 22. When license transferable

**23.** If a license has been granted to two or more persons, and one or more of such persons die, leaving the other or others surviving, the license shall remain in force and have Survivorship.

the same effect as if granted to the survivor or survivors. R.S.O. 1897, c. 318, s. 23.

Removal  
to other  
premises.

**24.**—(1) If a sanitarium is pulled down or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant-Governor in Council may grant to him a license to keep such other building for the reception of patients for such time as the Lieutenant-Governor in Council thinks fit; but the like notice of such intended change, and the like plans and statements of and as to such intended new building shall be given as are required when application is first made for a license for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change.

Fee for  
license for  
transfer.

(2) A fee of \$25 shall be payable by the licensee to the Clerk of the Peace upon the issue of the license. R.S.O. 1897, c. 318, s. 24. *Amended.*

Notice of  
intended  
removal.

(3) Except where the change is occasioned by fire or tempest, seven clear days' previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient, or the person by whom the last payment on account of each patient had been made. R.S.O. 1897, c. 318, s. 25.

#### ADMISSION OF PATIENTS.

Orders for  
admission  
of patient.

**25.**—(1) Subject to the provisions and exceptions herein-after made no person, whether he is or is represented to be mentally diseased, or only a boarder or lodger in respect of whom any money is paid or agreed to be paid for board, lodging or any other accommodation, shall be received into or detained in any sanitarium, without a requisition under the hand of some person according to and stating the particulars mentioned in Form 1, nor without separate certificates, according to Form 2, of two legally qualified medical practitioners not being partners or brothers, or father and son, each of whom separately from the other has personally examined the person to whom the certificates relate not more than fifteen clear days previous to the reception of such person into such sanitarium, and each of whom has signed and dated the certificate on the day on which such person was so examined. R.S.O. 1897, c. 318, s. 29.

Medical cer-  
tificates.

Facts to  
be certified.

(2) Every medical practitioner who signs a certificate shall state therein that he has personally examined the person to whom the certificate relates, and that from such examina-

tion

tion and from the evidence adduced before him, he is of opinion that such person is mentally diseased, and a proper person to be confined in a sanitarium for mental diseases; and shall also state the facts and evidence adduced before him which led to such opinion; and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R.S.O. 1897, c. 318, s. 30.

**26.**—(1) The superintendent of a sanitarium may admit <sup>Patients from other countries.</sup> to and detain in it any person domiciled out of Ontario who is certified to be mentally diseased by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made *mutatis mutandis* according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario, who shall certify according to Form 2. R.S.O. 1897, c. 318, s. 31. *Amended.*

(2) The certificates shall be a sufficient authority to any <sup>Effect of medical certificates.</sup> person to convey the patient to the sanitarium, and to the superintendent thereof to detain him therein, or to the superintendent of any hospital for the insane to which the patient may afterwards be transferred by the order of the Inspector, to receive such patient in such hospital and to detain him therein as long as he continues to be mentally diseased. *New.*

**27.** Any person may, under special circumstances, be received into the sanitarium upon a requisition accompanied by the certificate of one legally qualified medical practitioner <sup>When certificate of one physician sufficient.</sup> if the requisition states special circumstances which prevented the person from being examined by two duly qualified medical practitioners; but in every such case another certificate shall be signed by some other legally qualified medical practitioner, not connected with any sanitarium, who has specially examined such person within three days after his reception into such sanitarium. R.S.O. 1897, c. 318, s. 34.

**28.** Subject to the provisions and exceptions hereinafter made, no person shall receive to board and lodge in any building not licensed under this Act, or take the charge or care of more than two mentally diseased persons at the same time. R.S.O. 1897, c. 318, s. 32. *Amended.* <sup>Restrictions upon unlicensed houses.</sup>

**29.** Every person who receives to board or lodge in a building not licensed under this Act, or takes the care or charge of a person mentally diseased, shall within one month next after receiving such person into his house, or under his care, notify the Inspector thereof. R.S.O. 1897, c. 318, s. 33. *Amended.* <sup>Notice to the Inspector.</sup>

When physician not allowed to certify.

**30.** No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium, shall sign any certificate for the reception therein of a patient; and no medical practitioner, who, or whose father, brother, son or partner, signs the prescribed requisition for the reception of a patient, shall sign any certificate for the reception of the same patient. R.S.O. 1897, c. 318, s. 35.

Penalty on physician giving false certificate maliciously.

**31.**—(1) Any medical practitioner who, maliciously, or corruptly, signs any false certificate for the purpose of procuring the confinement of any sane person in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter.

Removal from register.

(2) The name of such medical practitioner shall upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register. R.S.O. 1897, c. 318, s. 36. *Amended.*

Admission of voluntary patient.

**32.**—(1) The superintendent of a sanitarium upon the written application of any person who is desirous of submitting himself for treatment of any nervous or physical ailment, may receive and detain him therein upon the certificate of one legally qualified medical practitioner, that such person is afflicted with any such ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated.

Discharge.

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium. R.S.O. 1897, c. 318, s. 37.

Notice of admission to board of visitors.

(3) The superintendent shall give immediate notice of the reception of such person to the secretary of the Board, stating all the particulars of the case; and one or more members of the Board or the secretary shall forthwith visit such patient in order to verify the fact of his having been admitted voluntarily; and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1897, c. 318, s. 38.

Visit by the board.

Record of visit.

Books to be kept and entries made therein.

**33.**—(1) Every proprietor or superintendent who receives a patient into a sanitarium, shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, to be called "Register of Patients

Patients," according to the form and containing the particulars mentioned in Form 3, so far as he can ascertain the same, and when a patient is discharged or dies an entry of the fact shall be made in the appropriate column.

(2) Every person who contravenes subsection 1, shall <sup>Penalty.</sup> incur a penalty not exceeding \$10. R.S.O. 1897, c. 318, s. 39.

**34.** The form of the mental disorder, if any, of every <sup>Record of.</sup> patient received into a sanitarium, shall, within seven days after his reception, be entered in the clinical records by the medical attendant, and every medical attendant who omits to make such entry shall, for every such omission, incur a penalty not exceeding \$10. R.S.O. 1897, c. 318, s. 40. <sup>Penalty.</sup>

**35.** The proprietor or superintendent of every sanitarium shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the sanitarium, transmit to the secretary of the Board, a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 4. R.S.O. 1897, c. 318, s. 41. <sup>Copy of order for Visitors.</sup>

#### PROCEDURE IN CASE OF ESCAPE.

**36.**—(1) Where a patient has escaped from a sanitarium, <sup>Escape.</sup> the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the <sup>Notice.</sup> Inspector and to the secretary of the Board.

(2) The notice shall state the Christian name and surname <sup>Contents of notice.</sup> of the patient, and his then state of mind, and the circumstances connected with the escape. R.S.O. 1897, c. 318, s. 42 (1), (2). *Amended.*

(3) The patient may be retaken at any time within one <sup>Capture.</sup> month after his escape and brought back to and detained in the sanitarium. R.S.O. 1897, c. 318, s. 76, *part, amended.*

(4) If the patient is brought back, the proprietor or super- <sup>Notice of capture.</sup> intendent shall within two clear days thereafter, transmit written notice thereof to the Inspector and the secretary.

(5) The notice shall state when the patient was so brought <sup>Contents.</sup> back, and under what circumstances, and whether with or without a fresh requisition and certificate.

(6) Every proprietor or superintendent who omits to <sup>Penalty.</sup> transmit such notice, whether of escape or of return, shall, for every such omission, incur a penalty not exceeding \$50. R.S.O. 1897, c. 318, s. 42. *Amended.*

## REMOVAL, DISCHARGE, DEATH, ETC.

Entry or  
removal,  
discharge,  
etc.

**37.** Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to Form 5, and stating the particulars in Form 5, and shall also within the same period transmit written notice thereof, Form 6, and also of the cause of the removal, discharge or death, if known, to the Inspector and to the secretary of the Board. R.S.O. 1897, c. 318, s. 43.

Notice.

Certificate  
required in  
case of  
death.

**38.**—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof, duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the nearest coroner, and to the Inspector and to the secretary of the Board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient.

Penalty.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$200. R.S.O. 1897, c. 318, s. 44. *Amended.*

Rights of  
discharged  
patient.

**39.** Where a person discharged from a sanitarium considers himself to have been unjustly detained therein, the secretary of the Board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. R.S.O. 1897, c. 318, s. 45, *part.*

## MEDICAL ATTENDANCE.

Staff of  
medical  
attendants.

**40.**—(1) In every sanitarium licensed for one hundred patients or more, there shall be a legally qualified resident medical practitioner as superintendent or medical attendant thereof and one legally qualified medical practitioner for each thirty patients over the first thirty in residence; and in every such sanitarium licensed for less than one hundred, and more than fifty patients there shall be one legally qualified medical practitioner for each thirty patients in residence; and every sanitarium licensed for less than fifty patients, if it is not kept by, or has not a resident legally qualified medical practitioner, shall be visited by one twice in every week; but the Board or the Inspector may direct that such last mentioned



tioned sanitarium shall be visited by a legally qualified medical practitioner at any other time or times, not oftener than once in every day. R.S.O. 1897, c. 318, s. 46. *Amended.*

(2) Where a sanitarium is licensed to receive less than eleven patients, any two members of the Board may, by writing under their hands, permit the sanitarium to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R.S.O. 1897, c. 318, s. 47. When less than eleven patients.

[Section 48 is omitted as unnecessary.]

**41.**—(1) There shall be kept in every sanitarium a record to be called "The Clinical Record" in which the physician keeping or residing in or visiting such sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient, and a correct statement of the treatment pursued. "The Clinical Record."

(2) The Inspector or the Board may, whenever they see fit, by an order in writing, require the superintendent to transmit to him or them a correct copy of the entries or entry in the clinical record, relative to the case of any patient who is or has been detained in the sanitarium. Copies.

(3) Every person who contravenes any of the provisions of subsection 1 or subsection 2 shall incur a penalty not exceeding \$40. R.S.O. 1897, c. 318, s. 49. Penalty.

**42.** There shall also be kept and observed such forms and regulations as the Inspector shall from time to time direct for the further purpose of recording clinical particulars regarding patients' mental and physical condition and reporting particulars regarding the estates of patients. *New.* Forms and regulations.

#### INSPECTION OF SANITARIUM.

**43.** Every sanitarium shall be visited and inspected,— Inspection and visitation.

(a) by two at least of the members of the Board, one of whom shall be a legally qualified medical practitioner, four times at the least in every year; R.S.O. 1897, c. 318, s. 50. Inspection by Visitors.

(b) at least once in every year by the Inspector, who shall prepare and forward a full report of his visit of inspection to the Minister. *New.* By Inspector.



Duties of  
in making  
visits.

**44.**—(1) The visitors and Inspector, when visiting any such sanitarium, shall inspect every part of it, and every house, out-house, place and building communicating with it, or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to

- (a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
- (b) the appearance of the patients, particularly noting if there are any marks of violence;
- (c) the condition of the beds and bedding;
- (d) whether the dietary is suitable and the food service satisfactory;
- (e) whether the staff is sufficient;
- (f) the number of patients under restraint or in seclusion with the reasons stated therefor;
- (g) any irregularity in the order or certificate;
- (h) whether the previous suggestions, if any, of the Inspector or visitors, have been attended to; and
- (i) any matter as to which they deem it proper to make observations. R.S.O. 1897, c. 318, s. 51. *Amended.*

Duties of  
proprietor  
or superin-  
tendent to-  
wards the  
visitors.

(2) The proprietor or superintendent shall shew to the visitors or Inspector every part of the sanitarium, and every person detained therein as a patient. R.S.O. 1897, c. 318, s. 52. *Amended.*

Inquiries  
to be made  
by the  
visitors.

- (3) The visitors and Inspector shall inquire,
  - (a) whether divine service is held therein, for what number of patients, and the effect thereof;
  - (b) what occupations or amusements are provided for the patients, and the result thereof;

(c)

- (c) whether there has been adopted any system of non-restraint, and if so, the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and
- (h) as to any other matter as to which it may be proper to enquire in order to ascertain whether the sanitarium is properly conducted. R.S.O. 1897, c. 318, s. 53. *Amended.*

(4) Upon every visit there shall be laid before the visitors or the Inspector by the proprietor or superintendent

What information to be laid before the Visitors.

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are deemed curable;
- (b) the books and records required to be kept by the proprietor or superintendent, and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the license then in force;
- (e) all such other requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors or Inspector from time to time require to be produced. R.S.O. 1897, c. 318, s. 54.

45. There shall be hung up in some conspicuous part of every sanitarium a copy of the plan sent to the Inspector on applying for the license, and there shall be kept in every such sanitarium a copy of this Act, bound in a book, to be called "The Visitors' Book." R.S.O. 1897, c. 318, s. 55. *Amended.*

Copies of  
certain  
entries.

**46.**—(1) The proprietor or superintendent of every sanitarium shall, within three days after every visit by the visitors, transmit to the Inspector and the secretary of the Board a true copy of the entries made by them in "The Visitors' Book."

Monthly  
report  
to Inspec-  
tor.

(2) The proprietor or superintendent of every sanitarium shall, on the last day of each month report to the Inspector the name of each patient admitted during that month, and transmit copies of the certificates and papers upon which each such patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any patient as may be required by him. R.S.O. 1897, c. 318, s. 56. *Amended.*

Penalty for  
omission.

(3) Every person who contravenes any of the provisions of subsections 1 and 2, shall incur a penalty not exceeding \$40. R.S.O. 1897, c. 318, s. 57.

Visits.

**47.** The Inspector or any two or more members of the Board may visit and inspect a sanitarium within their jurisdiction at any hour of the day or night. R.S.O. 1897, c. 318, s. 58. *Amended.*

#### DISCHARGE OF PATIENTS.

Order for  
discharge.

**48.**—(1) Subject to subsection 3, where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. R.S.O. 1897, c. 318, s. 59. *Amended.*

Disability  
of person  
who signed  
the requis-  
ition for  
admission.

(2) Subject to subsection 3, if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient, or if he is absent from Ontario or is dead, the husband or wife of the patient, or if there is no husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly. R.S.O. 1897, c. 318, s. 60. *Amended.*

What to be  
done if the  
physician  
in charge  
objects.

(3) No patient shall be discharged or removed, if the superintendent or attending physician, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which  
such

such opinion is founded, unless the Inspector, after such certificate has been produced to him, gives his consent in writing, to the discharge or removal of the patient. R.S.O. 1897, c. 318, s. 61. *Amended.*

**49.** Nothing herein shall prevent a patient from being transferred from one sanitarium to another, or to a hospital for the insane, but in such case the patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1897, c. 318, s. 62.

Transfer to another sanitarium or to a hospital for the insane.

**50.**—(1) The Inspector or any two or more members of the Board, one of whom is a legally qualified medical practitioner, may make special visits to any patient, on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors or Inspector it appears that the patient is detained without sufficient cause, such visitors or the Inspector may order his discharge and the patient shall be discharged accordingly. R.S.O. 1897, c. 318, s. 63. *Amended.*

Discharge of patients by order of Inspector or visitors.

(2) Every such order shall be signed by such visitors or Inspector, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner, respecting the fitness of the patient to be discharged. R.S.O. 1897, c. 318, s. 64. *Amended.*

Prerequisites.

(3) If the visitors or Inspector, after such conference, discharge a patient, and the superintendent or medical practitioner has furnished them with a statement in writing, containing his reasons against the discharge, they or he shall forthwith transmit such statement to the secretary of the Board, who shall enter and register it in a book to be kept for that purpose. R.S.O. 1897, c. 318, s. 65. *Amended.*

Objections of physician in charge to be recorded.

(4) Not less than seven days shall intervene between the first and second of such special visits, and the Board or Inspector shall, seven days before the second of such visits, give notice thereof, either by post, or by an entry in "The Visitors' Book," to the proprietor or superintendent of the sanitarium, and the proprietor or superintendent shall, forthwith, if possible, transmit by registered post a copy of the notice to the person by whose authority the patient was admitted, or by whom the last payment on account of such patient was made. R.S.O. 1897, c. 318, s. 66. *Amended.*

Time to intervene between special visits, etc.

What patients the visitors cannot discharge.

(5) None of the powers of discharge shall extend to a patient confined under an order or the authority of the Lieutenant-Governor, or under the order of any court of criminal jurisdiction. R.S.O. 1897, c. 318, s. 67.

#### ORDER FOR INFORMATION.

Information respecting individuals detained in sanitarium.

**51.** If a person applies to a member of the Board or to the Inspector to be informed whether any particular person is detained in a sanitarium, the member or Inspector may give a direction so to do to the secretary of the Board who shall on the receipt of such direction make search amongst the returns made to him in pursuance of this Act, whether the person inquired for is, or, within the then last twelve months, has been detained in any sanitarium under the jurisdiction of the Board; and if it appears that such person is or has been so detained, the secretary shall deliver to the person applying a statement in writing specifying:—

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of the proprietor or superintendent thereof;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1897, c. 318, s. 68. *Amended.*

#### ORDERS FOR ADMISSION.

Visits of relatives or friends.

**52.—**(1) Any member of the Board or the Inspector may, at any time, give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him. R.S.O. 1897, c. 318, s. 69.

Extent.

(2) The order may be either for a single admission, or for an admission for any limited number of times or for admission generally at all reasonable times. R.S.O. 1897, c. 318, s. 70. *Amended.*

Penalty for refusing admission.

(3) If the proprietor or superintendent refuses admission to, or prevents or obstructs the admission to any patient.

of a person who produces such an order for his admission, he shall incur a penalty not exceeding \$80. R.S.O. 1897, c. 318, s. 71.

#### MISCELLANEOUS PROVISIONS.

**53.**—(1) If the superintendent of a sanitarium considers it conducive to the recovery of any patient that he should be entrusted for a time to the care of his friends, the superintendent may allow such patient to return on trial to his friends, upon receiving a written undertaking by one or more of them, that he or they will keep an oversight over such patient. R.S.O. 1897, c. 318, s. 72.

Medical superintendent may give patient into custody of his friends.

(2) If within six months thereafter the patient becomes dangerous or unfit to be at large, the medical superintendent with the consent of the Inspector or one of the visitors, to be indorsed on the warrant, may by his warrant directed to any person or to any constable or peace officer, or to all constables or peace officers, authorize and direct that such patient be apprehended and brought back to the sanitarium, and the warrant so indorsed shall be an authority to any one acting under it to apprehend the person named in it, and to bring him back to the sanitarium. R.S.O. 1897, c. 318, s. 73.

Recommittal to sanitarium.

**54.** The proprietor or superintendent of a sanitarium with the consent in writing of any two of the visitors, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. R.S.O. 1897, c. 318, s. 74.

Excursions for benefit of health.

**55.**—(1) The Inspector or any two members of the Board, may, by summons under their hands and seals, Form 7, require any person to appear before him or them to testify, on oath, the truth touching any matters respecting which such Inspector or visitors are authorized to enquire.

Attendance of witnesses.

(2) Every person who does not appear, pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall incur a penalty not exceeding \$200. R.S.O. 1897, c. 318, s. 77. *Amended.*

Penalty for non-attendance, etc.

(3) The Inspector or the visitors may direct the secretary of the Board to pay to any person who appears pursuant to the

Expenses of witnesses.

the

the summons all reasonable expenses of his appearance and attendance, and the same shall be deemed expenses incurred by the Board in the execution of this Act, and to be taken into account and paid accordingly. R.S.O. 1897, c. 318, s. 78. *Amended.*

Penalty for  
supplying  
liquor or  
drugs to  
inmates.

**56.** Every person who knowingly gives, conveys, or supplies to any patient detained in any sanitarium any intoxicating liquor or morphia, cocoaine or other drug without the order of the superintendent first obtained in writing, shall incur a penalty not exceeding \$50. R.S.O. 1897, c. 318, s. 109. *Amended.*

Penalty for  
assisting  
inmates to  
escape.

**57.** Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom shall incur a penalty, on summary conviction before two justices of the peace, of a sum not exceeding \$100. R.S.O. 1897, c. 318, s. 110.

How  
penalties  
to be dis-  
posed of.

**58.** All penalties when recovered shall be paid to the clerk of the peace, for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses. R.S.O. 1897, c. 318, s. 85.

Limitation  
of actions.

**59.** If an action is brought against any person for any thing done or purporting to be done in pursuance of this Act, by and on behalf of any person who has been detained in a sanitarium and has been released therefrom, the same shall be commenced within twelve months next after his release. R.S.O. 1897, c. 318, s. 89. *Amended.*

Leave to  
prosecute.

**60.**—(1) No prosecution for any offence against this Act shall be brought, except upon the order in writing of the Board, or with the consent in writing of His Majesty's Attorney-General for Ontario. R.S.O. 1897, c. 318, s. 94.

Procedure.

(2) *The Ontario Summary Convictions Act* shall apply to every such prosecution.

Before  
whom.

(3) Every such prosecution shall be heard before a police magistrate or two justices of the peace. *New.*

Costs under  
orders, etc.,  
of visitors  
provided  
for.

**61.** The costs, charges and expenses incurred by or under any order of the Board shall be paid by the clerk of the peace for the county, and be included by him in the account



of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1897, c. 318, s. 96.

#### ADMISSION OF ALCOHOLIC HABITUATES.

**62.** If the license so permits, an alcoholic habituate may be admitted to a sanitarium upon his voluntary application in writing, if it is certified by a legally qualified medical practitioner to the satisfaction of the superintendent that the applicant is an alcoholic habituate, that he is a reasonably hopeful subject for treatment with a view to his cure; and further, that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1897, c. 318, s. 97. *Amended.*

Admission of alcoholic habituates, voluntarily.

**63.** Such alcoholic habituate may remain a patient in the sanitarium for a period of two years, and no longer; and it shall be a condition of his admission that before his admission he shall sign a pledge, agreeing and consenting to remain such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his habit, and to faithfully conform to all the rules and regulations of the sanitarium while an inmate. R.S.O. 1897, c. 318, s. 98. *Amended.*

Period of detention.

Terms of admission.

**64.** The medical superintendent shall have full authority to discharge from the sanitarium when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1897, c. 318, s. 99.

Discharge of voluntary patients.

**65.** On petition verified by oath, presented to a judge of the county or district court of the county or district in which the alleged alcoholic habituate resides, by any relative, whether by blood or affinity, or, if he has no relative in Ontario by any friend of the alleged alcoholic habituate, setting forth that the alleged habituate is a *bona fide* resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the Judge shall direct that a copy of the petition shall forthwith be served upon the alleged alcoholic habituate, and

Admission at instance of relatives or friends.

with such copy there shall be served an appointment signed by the judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. R.S.O. 1897, c. 318, s. 100.

Hearing the petition.

**66.** The judge shall attend at the time and place named in the appointment, and then and there proceed to inquire into the matters and allegations set forth in the petition; but he may in his discretion adjourn the enquiry from time to time. R.S.O. 1897, c. 318, s. 101.

Powers of Judge.

**67.** The judge shall have the same powers as to summoning witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1897, c. 318, s.s. 102-104. *Redrafted.*

Order for admission and detention.

**68.**—(1) If the judge, upon such inquiry finds the person petitioned against to be an alcoholic habituate, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or that on that account he squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the judge may order him to be admitted to and detained in the sanitarium for a period not exceeding two years. R.S.O. 1897, c. 318, ss. 105 and 106, *part, Amended.*

Arrangements.

(2) Before such order is made the Judge shall ascertain that there is a vacancy in such sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such alcoholic habituate. R.S.O. 1897, c. 318, s. 106, *part, amended.*

Execution of order.

(3) The order for the conveyance of the alcoholic habituate to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. R.S.O. 1897, c. 318, s. 106, *part, amended.*

Provision in case any party detained escapes.

**69.** If an inmate of the sanitarium, admitted or committed under sections 62 or 68 escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after

such

such escape, or within one month thereafter, when a warrant has been issued by the superintendent in that behalf, re-take such escaped person, and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained prior to such escape. R.S.O. 1897, c. 318, s. 107.

**70.** All the provisions of this Act relating to alcoholic <sup>Drug</sup> habituates shall extend *mutatis mutandis* to every person <sup>habituates.</sup> who is a drug habituate. R.S.O. 1897, c. 318, s. 108.

**71.** Sections 8 and 9 of *The Prisons and Public Charities Inspection Act* shall apply to sanitarium. R.S.O. 1897, c. 318, s. 111. <sup>Application of 3-4 Geo. V. c. 88, ss. 8 and 9.</sup>

**72.** Chapter 318 of the Revised Statutes of Ontario, 1897, is repealed.

## FORM 1.

### REQUISITION FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a person, mentally diseased, as a patient into your sanitarium.

*Name.*

[*State occupation (if any), his place of abode, degree of relationship, if any, or other circumstances of connection with the patient.*]

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
14. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this                      day of                      , 19 .

(Signed)

*Name.*

To

Proprietor (or, Superintendent) of  
(describing sanitarium by situation and name, if any.)

R.S.O. 1897, c. 318, Sched. A.

FORM

## FORM 2.

## FORM OF MEDICAL CERTIFICATE.

I, \_\_\_\_\_ (*state degree or qualification*), being a legally qualified medical practitioner, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A. B.*, the person named in the accompanying statement and requisition, and that the said *A. B.* is a person suffering from mental disease, and a proper person to be confined, and that I have formed this opinion from the following fact (*or facts*), viz.:

(Signed,)

*Name.**Place of abode.*

Dated this

day of

, 19 .

R.S.O. 1897, c. 318, Sched. B.

Witness }



## FORM 4.

## NOTICE OF ADMISSION.

I hereby give you notice, that *A. B.* was received into this sanitarium as a patient, on the       day of       , and I herewith transmit a copy of the requisition and Medical Certificates (*or Certificate*) on which he was received.

Subjoined is a statement with respect to (*his or her*) mental and bodily condition.

(Signed),       *Name.*

Superintendent (*or Proprietor*) of

Dated this       day of       , 19       .

---

STATEMENT.

I have this day seen and personally examined *A. B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or she*),       , and that, with respect to bodily health and condition, he (*or she*)

(Signed),       *Name.*

Medical Proprietor (*or Superintendent,*  
*or Attendant*), of

Dated this       day of       , 19       .

R.S.O. 1897, c. 318, Sched. D.





## FORM 6.

## FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received  
 into this sanitarium for mental diseases on the day of  
 was discharged therefrom, recovered (or relieved, or  
 not improved) (or was removed therefrom) by the authority of  
 (or died therein) on the day of

(Signed)

Name.

Superintendent (or Proprietor)  
 of house at

Dated this day of , 19 .

*In case of death, add*—and I further certify that A. B. was present  
 at the death of the said , and that the apparent cause  
 of the death of the said (ascertained by *post*  
*mortem* examination, *if so*) was

R.S.O. 1897, c. 318, Sched. F.

## FORM 7.

## FORM OF SUMMONS.

We, (names in full) being two of  
 the visitors appointed under *The Private Sanitarium Act*, do hereby  
 summon and require you personally to appear before us at  
 in on  
 the day of , at the hour of  
 in the noon of the same day, and then and there to be  
 examined, and to testify the truth touching certain matters relating  
 to the execution of the said Act.

Given under our hands and seals, this day of  
 in the year of our Lord, 19 .

R.S.O. 1897, c. 318, Sched. G.

## CHAPTER 86.

## An Act respecting Sanatoria for Consumptives.

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	PROPERTY, TO BE VESTED IN TRUSTEES, s. 12 (1).
INTERPRETATION, "Board," s. 2.	Power to expropriate land, s. 12 (2) (3).
ESTABLISHMENT OF SANATORIA BY MUNICIPALITIES, s. 3.	Application of <i>The Municipal Act</i> , s. 12 (4).
JOINT ACTION BY TWO OR MORE MUNICIPALITIES, s. 4.	Property and operation of institution to be under control of Trustees, s. 13.
Provisional by-law in case of one only, s. 5.	REGULATIONS, Power of Lieut.-Governor in Council to make, s. 14.
APPROVAL OF PLANS, SITE, ETC., BY PROVINCIAL SECRETARY, s. 6 (1).	GRANT FROM PROVINCE, s. 15.
Modifications and alterations thereof, s. 6 (2).	Aid to maintenance, s. 16.
Notice of application, when and to whom to be sent, s. 6 (3).	ANNUAL RATES, s. 17.
BY-LAWS FOR RAISING NECESSARY FUNDS, s. 7.	CLOSING, s. 18.
BY-LAWS FOR ESTABLISHING SANATORIA, s. 8 (1).	Sale and disposal in case of closing, etc., s. 19.
Approval of plans, etc., by Provincial Secretary, s. 8 (2).	TAXATION, EXEMPTION FROM, s. 20.
TRUSTEES, BOARD OF, s. 9 (1).	DONATIONS, s. 21.
Qualification, etc., s. 9 (2).	ESTABLISHMENT BY NATIONAL SANATORIUM ASSOCIATION, s. 22 (1).
Proportion of yearly cost of maintenance to be stated in agreement, s. 9 (3).	Plans, sites, etc., to be submitted to Provincial Secretary, s. 22 (2) (3).
Terms of admission and other conditions, s. 9 (4).	Application of secs., 14, 15, 16 and 20, s. 22 (4).
Powers and duties of Trustees, s. 10.	Application of, secs. 9-13, 16, 23-25 of <i>The Hospitals and Charitable Institutions Act</i> , s. 23.
Chairman, Vice-Chairman and Secretary, s. 11.	Limitation of charge, s. 24.
	REPEAL, s. 25.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Sanatoria for Consumptives Act*. Short title.

2. In this Act "Board" shall mean the corporation mentioned in subsection 1 of section 10. Interpretation.

Establishment of sanatoria by municipalities.

3. Subject to the provisions of this Act, the corporation of any municipality or the corporations of any two or more municipalities may establish a sanatorium for the treatment of consumptives and may for that purpose acquire land or interests therein and erect and equip buildings and other improvements thereon, and do such other things as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act. 63 V. c. 57, s. 1.

Joint action by two or more municipalities.

4. The corporation of any municipality may procure or join another or others in procuring plans of buildings and improvements for a sanatorium and estimates of the cost, including that of the proposed site, and such other information as may seem desirable, and the corporations of any two or more municipalities may confer by such representatives as their councils may appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and may enter into a provisional agreement respecting the same. 63 V. c. 57, s. 2.

Provisional by-law.

5. If the corporation of one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed. 63 V. c. 57, s. 3, *part*.

Approval of plans, site, etc., by Provincial Secretary.

6.—(1) The plans and estimates, and the provisional by-law or provisional agreement, as the case may be, and the proposed site, which may be anywhere within Ontario, shall be submitted to the Provincial Secretary, who shall refer the same to the Provincial Board of Health for report.

Modifications and alterations thereof.

(2) Upon receiving the report the Provincial Secretary may approve of the plans, estimates, provisional by-law or agreement, as the case may be, and the site; subject to such modifications and alterations, if any, as he may think best.

Notice of application.

(3) If the proposed site is not within the municipality or one of the municipalities, the Provincial Secretary shall, before approving of the site, transmit by post to the head of the municipality in which it is situate, notice of the application. 63 V. c. 57, s. 3, *part*.

By-laws for raising necessary funds.

7. Upon the approval of the Provincial Secretary being given, the council of the municipality, or of each of the municipalities concerned, as the case may be, may pass by-laws for raising the money proposed to be paid or contributed by the corporation of such municipality in respect of the original cost of the sanatorium, or the cost of extensions, alterations and additions, and may issue debentures therefor. 63 V. c. 57, s. 4.

8.—(1) Upon the by-law or by-laws being passed, the corporation or corporations concerned may pass by-laws to establish the sanatorium, or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary. By-laws for establishment of sanatoria.

(2) Upon by-laws being passed for raising the money proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans thereof shall be obtained in the same way as provided by section 6, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the corporation or corporations concerned. 63 V. c. 57, s. 5. Approval of plans, etc., by Provincial Secretary.

9.—(1) The by-law or agreement establishing a sanatorium or a joint sanatorium shall provide for the appointment of a Board of not less than five trustees to take charge of and manage the same. Board of trustees.

(2) The qualifications, and term of office, which shall not exceed five years, and the quorum of the trustees and the manner of appointing their successors and of filling vacancies, shall be provided for in the by-law or agreement, and the trustees shall hold office until their successors are appointed. Qualification, etc.

(3) The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operation and repairs to be borne by the corporation of each municipality. Proportion of yearly cost.

(4) The by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulars as may be deemed proper. 63 V. c. 57, s. 6. Terms of admission.

10.—(1) The trustees and their successors shall be a corporation under the name of "The Trustees of (*naming the sanatorium*)."

(2) In addition to the powers and duties conferred by this Act, the trustees shall have such powers and duties, not inconsistent with this Act, as may be conferred or imposed upon them by the by-law or agreement, or by any future by-law or agreement passed or entered into by or with the municipal corporation or corporations with the approval of the Provincial Secretary. 63 V. c. 57, s. 7. Powers and duties.

Chairman  
and vice-  
chairman.

**11.**—(1) The trustees shall elect yearly one of their number to be chairman of the Board, to hold office for one year and thereafter until his successor as chairman is elected and a vice-chairman may also be similarly elected. 63 V. c. 57, s. 8.

Secretary.

(2) The Board shall appoint a secretary. *New.*

Property  
vested in  
Trustees.

**12.**—(1) The property acquired for the sanatorium shall be conveyed to and vested in the board for the uses and purposes thereof. 63 Vic. c. 57, s. 9, *part.*

Trustees  
may ex-  
propriate  
lands for  
sanatorium.

(2) The Board may, without the consent of the owner thereof or of any person interested therein, enter upon, take, use and expropriate all such land as the Board may deem necessary for the purposes of the sanatorium, making due compensation therefor to the owner or occupier thereof, and all persons having any interest therein.

Approval  
of Inspector  
of Prisons  
and Public  
Charities.

(3) If such land is required for the purpose of enlarging or otherwise improving an existing sanatorium the powers conferred by subsection 2 shall not be exercised unless the Inspector of Prisons and Public Charities reports that it is necessary for the purpose of the sanatorium and approves of the plans and improvements for which the land is required and his report is approved by the Lieutenant-Governor in council.

Application  
of the Muni-  
cipal Act.

(4) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor, and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by subsection 2; and when any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board or at his office, as the case may be. 7 Edw. VII. c. 55, s. 1, *redrafted*, and *See* 2 Geo. V. c. 85, s. 22.

Property,  
etc., to be  
under con-  
trol of  
trustees.

**13.** The Board shall, subject to the terms of the by-laws or agreements relating thereto, and to regulations made by the Lieutenant-Governor in Council, have the control and management of the erection of the buildings and improvements and of the operation and maintenance of the sanatorium and of all matters and things connected therewith or relating thereto, and may make rules respecting the same, not inconsistent with the terms of the said by-laws or agreements or of this Act, or of the regulations of the Lieutenant-Governor in Council. 63 V. c. 57, s. 10.

**14** The Lieutenant-Governor in Council may make regu-<sup>Regulations.</sup>lations respecting the inspection and management of the sanatorium, and such regulations shall take effect and be complied with, notwithstanding the terms of any regulation of the Board, which, so far as inconsistent with those made by the Lieutenant-Governor in Council, shall be inoperative. 63 V. c. 57, s. 11.

**15.** The Lieutenant-Governor in Council may, out of the Consolidated Revenue Fund, grant to the Board a sum equal to one-fifth of the value as reported by the Inspector of Prisons and Public Charities, of the site, buildings, improvements and equipment, extensions, additions and alterations, not exceeding with respect to any one sanatorium \$4,000 in all. 63 V. c. 57, s. 12, *amended*. <sup>Grant from Province towards establishment.</sup>

**16.**—(1) The Lieutenant-Governor in Council may, out of any money appropriated by the Legislature for the purpose, pay to the Board towards the maintenance and treatment of patients for each patient for whose maintenance not more than 70 cents per day is contributed, and who was prior to admission a resident of Ontario, a sum at the rate of \$3.00 per week for each patient. <sup>Provincial aid for maintenance.</sup>

(2) The treasurer of any municipality, which has not established, or which is not a party to an agreement under which a joint sanatorium is established, by which patients admitted from such municipality to a sanatorium are to be maintained, shall, out of the money of the corporation, pay to the Board such sum, not exceeding 70 cents per day, as may be required by the trustees for the maintenance and treatment of each indigent patient who was resident in the municipality at the time of admission. 63 V. c. 57, s. 13; 9 Edw. VII. c. 26, s. 18, *amended*. <sup>Municipal aid.</sup>

**17.**—(1) The corporation or corporations establishing a sanatorium or joint sanatorium shall, with the yearly rates and in the proportions provided for in the agreement, levy the money required to meet the residue of the cost of the maintenance, operation and repair of the sanatorium for the year, and pay over the same to the Board. <sup>Annual rates.</sup>

(2) Nothing in this section shall authorize the Board to incur any liability or make any expenditure not authorized by the by-law or agreement establishing the sanatorium, or by by-law or resolution of the councils of the municipalities concerned. 63 V. c. 57, s. 14. <sup>Restrictions upon expenditure.</sup>

Closing  
sanatorium.

**18.** Nothing in this Act shall prevent a municipal corporation which has established a sanatorium from closing the same at any time, either temporarily or permanently. 63 V. c. 57, s. 15.

Disposal  
of same.

**19.** If a sanatorium is closed for nine consecutive months, the Lieutenant-Governor in Council may make provision for the sale or other disposition of the sanatorium and the property thereof and for the application of the proceeds, and may make such other provisions relating thereto as he may deem proper. 63 V. c. 57, s. 16.

Exemption  
from

**20.** The property acquired for a sanatorium and vested in the Board shall be exempt from all municipal or other taxation, including school rates or taxes. 63 V. c. 57, s. 17, *redrafted*.

Accepting  
donations.

**21.** The Board may accept from any person a donation of property, whether by will or otherwise, for the use of the sanatorium, and may apply the same in accordance with the terms of the donation. 63 V. c. 57, s. 18.

Establish-  
ment by  
National  
Sanatorium  
Association.

**22.**—(1) The corporation of any municipality or the corporations of any two or more municipalities may agree with any Association duly incorporated, for the establishment and maintenance by such Association of a sanatorium for the treatment of consumptives and for contributing towards the cost and maintenance of any sanatorium heretofore established, or which may be hereafter established, and of any extensions, alterations or additions thereto, and the councils thereof shall have similar powers to those conferred by this Act for procuring plans, estimates and other information and the basis for establishing any sanatorium and as to the location thereof, within or without the municipality and may from time to time pass by-laws for raising money, if any, proposed to be paid or contributed by the municipality in respect of the sanatorium and for the issue of debentures therefor.

Submission  
of plans,  
etc., to  
Provincial  
Secretary.

(2) The plans, estimates, and agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a manner similar to that provided by sections 6 and 8 and upon such approval being given the agreement may be acted upon.

Modifica-  
tions  
thereof.

(3) The parties to such agreement may make such changes in or modifications thereof, as may be required by the Provincial Secretary as a condition of his approval. 3 Edw. VII. c. 19, s. 590 a (1-3). *Amended*.



(4) Sections 14, 15, 16 and 20 shall apply to a sanatorium established under this section and to the trustees of an Association and to any sanatorium heretofore established or which may hereafter be established by such Association. 3 Edw. VII. c. 19, s. 590 a (4). *Amended.* 2 Geo. V. c. 40, s. 15. Application of secs. 14, 15, 16 and 20.

**23.** Sections 9, 10, 11, 12, 13, 16, 23, and 25 of the *Hospitals and Charitable Institutions Act* shall also apply to any Sanatorium for Consumptives. *New.* Application of certain sections of 2 Geo. V. c. 85.

**24.** No sanatorium shall charge against a municipal corporation ~~for~~ the maintenance of an indigent patient a higher rate than 70 cents per day. (*New.*) Limitation of charge for indigent patient.

**25.** Chapter 57 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, sections 28 and 29 of chapter 12, and section 32 of chapter 26 of the Acts passed in the 1st year, section 57 of chapter 7 of the Acts passed in the 3rd year, chapter 55 of the Acts passed in the 7th year, section 18 of chapter 26 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh, and section 15 of chapter 40 of the Acts passed in the 2nd year of the reign of His present Majesty are repealed. Repeal.

## CHAPTER 87.

## An Act to amend The Hospitals and Charitable Institutions Act.

*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Geo. V.  
c. 87, s. 29,  
sub sec. 1.  
amended.

1. Section 29 of *The Hospitals and Charitable Institutions Act* is amended by inserting after the word "house" in the first line the words "and its location with regard to adjoining dwelling houses," and by adding the following as subsection 2:—

Location of  
private  
hospitals.

(2) The approval of the Inspector as to the location of the house shall not apply to a house used as a private hospital on the 15th day of April, 1913, so long as it continues to be used for that purpose.

CHAPTER 88.

An Act to provide for the Inspection of Provincial and other Hospitals, Charities, Prisons and Court Houses

*Assented to 6th May, 1913.*

SHORT TITLE, s. 1.	As to provincial hospitals for insane, ss. 11-13.
INTERPRETATION, s. 2.	As to other hospitals and charities, s. 14.
REGULATIONS, s. 3.	As to private sanatoria, s. 15.
INSPECTORS, ss. 4-8.	Removal of patients, s. 16.
Senior Inspector, ss. 6, 7.	Reports, ss. 17, 18.
Reference to Inspector in Statutes, s. 7.	Inspection of Court Houses, s. 19.
DUTIES AND POWERS OF INSPECTORS:	ASSISTANCE TO INSPECTOR, s. 20.
Generally, s. 9.	LIMITATION OF ACTIONS, s. 21.
As to gaols, etc., s. 10.	REPEAL, s. 22.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Prisons and Public Charities Inspection Act*. R.S.O. 1897, c. 321, s. 1.

2. In this Act Interpretation.

- (a) "Inspector" shall mean an Inspector of Prisons and Public Charities appointed by the Lieutenant-Governor in Council under the authority of this Act.
- (b) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act;
- (c) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act or any Act for which this Act is substituted. *New.*

Regulations  
and their  
amendment.

3. The regulations heretofore made for the government of provincial hospitals for the insane, private sanatoria for the treatment of mental diseases, sanatoria for consumptives, public and private hospitals, refuges, orphanages and infants' homes, and the common gaols, and reformatories, and other prisons, are confirmed and shall continue in force until altered or repealed by regulations made in pursuance of this or any other Act of this Legislature. R.S.O. 1897, c. 321, s. 3. *Amended.*

Appoint-  
ment of  
Inspectors.

4. The Lieutenant-Governor in Council may appoint three persons to be inspectors of the institutions mentioned in section 3, each of whom shall be designated an Inspector of Prisons and Public Charities. R.S.O. 1897, c. 321, s. 4. *Amended.*

Duties of  
Inspector.

5. The Lieutenant-Governor in Council may designate what public and other institutions requiring inspection are to be inspected by each Inspector, and may define the duties of the Inspectors. R.S.O. 1897, c. 321, s. 5.

"Inspector  
of Prisons  
and Public  
Charities."

6.—(1) One of the Inspectors designated by the Lieutenant-Governor in Council shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities" and by that name he and his successors in office shall have perpetual succession and may sue and be sued. R.S.O. 1897, c. 321, s. 6. *Amended.*

Application  
of Hospitals  
for Insane  
Act.

(2) Sections 35 to 46 of *The Hospitals for the Insane Act* shall apply to such Inspector.

In case of  
his death,  
etc.

(3) In case of the death, removal or resignation of such Inspector, all the rights, powers, duties, obligations, money or estates under those sections, or under anything done in pursuance thereof, which are vested in him, or belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the Inspector designated or appointed by the Lieutenant-Governor in Council as his successor. R.S.O. 1897, c. 321, s. 7. *Amended.*

References  
in Statutes  
to Inspec-  
tor.

7. Except as in the next preceding section provided, where the Inspector of Prisons and Public Charities is referred to in any Statute, by that or any other name the reference shall be held to apply to that one of such Inspectors, to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. R.S.O. 1897, c. 321, s. 8. *Amended.*

[Section 9 omitted as unnecessary.]

8.—(1) One of the Inspectors shall visit and inspect every <sup>Inspectors' duties.</sup> gaol, refuge, reformatory and prison or other place in Ontario, kept or used for the confinement of persons, once in each year or more frequently, if necessary, or if so directed by the Minister, and the Inspector may examine any person holding any office or receiving any salary or emolument in any such place, and call for and inspect all books and papers relating to it; and may inquire into all matters concerning the same. R.S.O. 1897, c. 321, s. 10, *part, amended*; 62 Vic. (2), c. 38.

(2) Every Inspector shall make a separate and distinct <sup>Report to Minister.</sup> report in writing to the Minister of the state of every place of confinement visited by him. R.S.O. 1897, c. 321, s. 10, *part*.

9. Where an Inspector deems it expedient to institute <sup>Power of Inspector in instituting inquiries into institutions subject to his inspection.</sup> an inquiry into the management of any institution subject to his inspection or into any matter in connection therewith, or into the truth of any return made by any officer of the institution, and deems that any officer of the institution or any other person should give evidence before him on oath, the Inspector shall have the same power to summon such officer or other person to attend as a witness, to enforce his attendance, and to compel him to produce documents and to give evidence, as any Court has in civil cases. R.S.O. 1897, c. 321, s. 11.

10.—(1) The Lieutenant-Governor in Council may make <sup>Power of Lieutenant-Governor to make regulations.</sup> regulations respecting the common gaols and relating to:—

- (a) the maintenance of prisoners in regard to diet, clothing, bedding, and other necessities;
- (b) their employment;
- (c) medical attendance;
- (d) religious instruction;
- (e) the conduct of the prisoners, and the restraint and punishment to which they may be subjected;
- (f) the treatment and custody of the prisoners generally and the internal economy and management of the gaol; and
- (g) all such other matters connected with the maintenance, government and control of gaols as may be deemed expedient.

Special regulations by municipal councils.

(2) Nothing in this section shall prevent a municipal council from making such special regulations, not inconsistent with this Act or the Regulations, as the peculiar circumstances of any gaol maintained by it, and the locality in which it is situate may, in its opinion, require. R.S.O. 1897, c. 321, s. 12. *Amended.*

Inspection of public hospitals for the insane and epileptics.

**11.** One of the Inspectors shall at least three times in every year visit and inspect every Provincial hospital for the insane, and the Hospital for Epileptics and

(a) examine into the manner in which it is conducted;

(b) examine the reports made to him by the medical superintendent and bursar;

(c) inquire as to the observance of the regulations therein; and

(d) ascertain if the clinical records of all patients are properly kept. R.S.O. 1897, c. 321, ss. 13 and 19. *Amended.*

Inspector's annual report.

**12.** The Inspector shall make an annual report to the Minister upon the manner in which any training school for nurses in any such hospital is conducted. *New.*

Regulations respecting Provincial hospitals.

**13.** The Lieutenant-Governor in Council may make regulations respecting Provincial hospitals for the insane, as to

(a) the government and management thereof;

(b) the duties of the officers, servants, and employees; and

(c) the establishment, management and control of any school for nurses therein. R.S.O. 1897, c. 321, s. 14. *Amended.*

Report of the management, etc.

**14.**—(1) An Inspector, at least once in every year and oftener if required by the Minister shall visit, examine, and report to him upon the state, management and condition of every hospital or other charitable institution supported, in whole or in part, by grant of public money, provincial or municipal, and of every private hospital, and make such suggestions as he may deem necessary or proper for the better government and management thereof.

In case admission refused.

(2) If the Inspector is refused admission into any such hospital or other institution he shall forthwith report such refusal

refusal to the Minister, with the circumstances attending the same. R.S.O. 1897, c. 321, ss. 16 and 17. *Amended.* See 2 Geo. V. c. 85, s. 12.

**15.** An Inspector, at least once in every year, and oftener if required by the Minister, shall visit, examine and report to him upon the state and management of every private sanitarium for the treatment of mental diseases, licensed under the provisions of *The Act respecting Sanitaria for Mental Diseases*, and upon the condition of its inmates, and the Minister after the receipt of such report may suspend or revoke any license granted under that Act. R.S.O. 1897, c. 321, s. 18. Report on private sanitarium.  
Rev. Stat. c. 318.  
Revocation of license.

**16.** If upon the inspection of a provincial hospital for the insane the Inspector finds that according to the report of the Superintendent any patient has sufficiently recovered to be cared for by his friends, or that his mental condition is due to senility, and his conduct is recorded as quiet and harmless, and that he is a proper subject for care in a house of refuge, the Inspector may order such patient to be removed to a house of refuge in the county from which he was originally admitted and the board of management and superintendent of such house of refuge shall admit such patient to the house of refuge and maintain him therein. *New.* Removal to House of Refuge.

**17.**—(1) Every Inspector shall make to the Minister a written report of every inspection of any institution visited by him. R.S.O. 1897, c. 321, s. 20. A Report of Inspector to be sent to the Minister.

(2) A copy of the report shall be transmitted by the Inspector to the superintendent or other head of the institution to which it relates. *New.* And a copy to the Superintendent.

**18.** Every Inspector shall, as soon as may be after the 31st day of October in every year, make to the Minister a full and accurate report on every institution inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary or expedient; and such report shall include the following particulars:— General Annual Report.  
Suggestions for improvements.  
Particulars.

(a) as to a prison or reformatory:—

Prison or reformatory.

i. a copy of the warden's or superintendent's report to the Inspector;

ii. copies of the chaplain's reports to the Inspector.



- iii. a copy of the surgeon's annual report ;
- iv. a return of the names, ages, country, calling and offences of the prisoners received during the year, and the county or district from which each came ;
- v. a return of the names, ages, callings and offences of the prisoners who died in the prison or reformatory during the year, and the county or district from which each came ;
- vi. a similar return of the prisoners liberated during the year on parole or upon the expiration of the term for which they were sentenced ;
- vii. a similar return of the prisoners who were pardoned during the year ;
- viii. a tabular statement showing the number of prisoners at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number during the year.
- ix. a balance sheet of the financial affairs of the institution at the 31st day of October of the year reported upon ;
- x. a balance sheet for the past year, showing the sum on hand on the 31st day of October, the money received during the year from the Province towards the maintenance of the prison, or reformatory, the amount received for prison labour, and also on all other accounts during the year, showing separately the sums paid for food, bedding, clothing and hospital stores for the prisoners, salaries of officers, fuel and light, the erection of new buildings and repairs, the support of the stable, and all other items of expenditure, and the cash on hand at the close of the year ;
- xi. a statement of all debts due by the institution, showing the names of the persons to whom each sum is due, also showing the debts, if any, due to the institution, with the amount and nature of each debt ;

- xii. an inventory of all the property, estate and effects of the institution;
- xiii. an estimate of the receipts and expenditures for the current year;
- xiv. a statement showing in what manner the prisoners were employed on the 31st day of October of the year reported on, and the average number at each trade or occupation during the year;
- xv. such other particulars as may be required by the Regulations or by the Minister;
- xvi. a tabulated statement from each gaol showing the number of persons committed, the crimes and offences for which they were committed and such particulars in regard to gaol expenditures and other matters relating to the gaol as the Minister may require. R.S.O. 1897, c. 321, s. 21. *Amended.*

(b) as to the Provincial Hospitals for the Insane and the Hospital for Epileptics: Insane and Epileptics.

- i. the superintendent's report to the Inspector; R.S.O. 1897, c. 321, s. 15, *amended.*
- ii. statistical tables indicating the number of patients under treatment, together with such other particulars as may furnish information regarding the care and treatment of patients, or as the Minister may require.

(c) as to every public and private hospital, refuge, orphanage and infants' home; Public and private hospital, refuge, orphanage, infants' home.

- i. the last annual return for each institution made under *The Hospitals and Charitable Institutions Act*;
- ii. statistical tables indicating for comparison the expenditures under the different headings for maintenance, and indicating the daily per capita cost;
- iii. tables showing the amount contributed towards the support of each institution by:

(a)

- (a) private benefactors;
- (b) municipal corporations;
- (c) the Government. *New.*

**19.** The provisions of this Act as to the inspection of gaols and the provisions of *The Gaols Act* as to their construction and repair shall, so far as may be, apply to court houses. R.S.O. 1897, c. 321, s. 26. *Amended.*

Court  
houses.

**20.** The Minister may authorize such person as he thinks fit, to perform, under the supervision of an Inspector or otherwise as the Minister may direct, any of the duties of an Inspector, and in the performance of the duties such person may exercise the like powers and authorities as are possessed by the Inspector. R.S.O. 1897, c. 321, s. 27.

Assistance  
to Inspect-  
tors.

**21.** All actions and prosecutions against any person for anything done in pursuance of this Act, shall be commenced within six months after the fact committed, and not afterwards. R.S.O. 1897, c. 321, s. 28. *Amended.*

Limitation  
of actions.

**22.** Chapter 321 of the Revised Statutes of Ontario, 1897, and chapter 38 of the Acts passed in the second session of the sixty-second year of the reign of Her late Majesty Queen Victoria are repealed.

Repeal.

## CHAPTER 89.

An Act respecting The Town of Aurora and The  
Positive Clutch and Pulley Works, Limited.*Assented to 6th May, 1913.*

**W**HEREAS under By-law Number 337, the Municipal <sup>Preamble.</sup> Corporation of the Town of Aurora, was authorized to loan the Positive Clutch and Pulley Works, Limited, the sum of Ten Thousand Dollars for a period of twenty years, the said sum to be repaid in annual instalments of principal and interest as provided for in the said by-law; and whereas the said by-law was submitted to the electors qualified to vote thereon on the 15th day of May, 1911, when out of 450 electors entitled to vote 335 voted for the by-law and 6 against it; and whereas the said Municipal Corporation is authorized under the said By-law to issue debentures under the Corporate Seal to raise the said sum of Ten Thousand Dollars and interest thereon at the rate of five per cent. per annum; and whereas in consideration of the said loan the said Company amongst other things agreed to execute a mortgage in favor of the Corporation, covering the buildings, site, plant and machinery used by the Company in their said manufacturing business; and whereas the said Company has applied to the Municipal Corporation of the Town of Aurora to change the provisions made, and contained in the said by-law by the Corporation accepting a mortgage on the land and buildings only, and excepting therefrom the plant and machinery as provided for in said mortgage; and whereas the said Company has agreed in lieu of such exemptions to deposit with the Treasurer of the said Municipality as collateral security for the repayment of the said loan, first mortgage bonds of the said Company for the sum of Ten Thousand Dollars, bearing interest at five per cent. per annum; and whereas at a meeting of the Council of the said Corporation, recently held, a resolution was unanimously passed and adopted by the said Council accepting and endorsing the securities offered by the said Company in lieu of those provided for under the said  
by-law

by-law; and whereas the said Corporation has by petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
take mort-  
gage as  
security  
for loan.

1. The Municipal Corporation of the Town of Aurora, notwithstanding the terms and conditions made and contained in By-law Number 337, set out as Schedule "A" hereto may accept as security for the repayment of the loan of Ten Thousand Dollars to The Positive Clutch and Pulley Works, Limited, a mortgage covering the buildings and land of the said Company in the Town of Aurora, and excepting therefrom the plant and machinery used by the said Company in their manufacturing business.

Power to  
accept first  
mortgage  
bonds as  
security.

2. The said Corporation may accept first mortgage bonds of the said Company as further security for the repayment of the said loan.

Power to  
issue de-  
bentures.

3. The said Corporation may issue debentures to raise the said sum of Ten Thousand Dollars in the same way as if the said By-law had contained the foregoing provisions of this Act.

Confirma-  
tion of  
by-law.

4. Subject to sections 1 to 3, the said By-law is ratified and confirmed, and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said Company.

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## SCHEDULE "A."

### BY-LAW No. 337.

Being a By-law to authorize the loan of ten thousand dollars (\$10,000) to the Positive Clutch and Pulley Works, Limited for the purpose of purchasing a site and erecting thereupon a factory in the Town of Aurora, to manufacture clutches, pulleys, etc.

WHEREAS the said Positive Clutch and Pulley Works, Limited, have applied to the Municipal Corporation of the Town of Aurora amongst other things, for a loan of Ten thousand dollars (\$10,000) upon the security of a mortgage upon the land, machinery and plant to be hereafter purchased and erected in the said Town of Aurora, for the purpose of assisting the said Company to purchase a site, erect thereon buildings for their factory and to instal therein machinery and plant for the manufacture of clutches, pulleys, etc.

AND WHEREAS the said Municipal Council of the said Town of Aurora has deemed it expedient and in the interest of the rate-  
payers

payers of the said Town to loan the said sum of (\$10,000) Ten Thousand dollars to the said "Company" for the purposes aforesaid.

AND WHEREAS the said "Company" have agreed to repay the said loan as each yearly instalment of principal and interest matures.

AND WHEREAS it will be necessary for the purpose of raising the said loan, to issue debentures of the said Municipal Corporation for the said sum of Ten thousand dollars (\$10,000) as hereinafter provided (which is the amount of the debt intended to be created by this By-law) the proceeds of the said debentures to be applied for the purposes aforesaid and to no other.

AND WHEREAS it is desirable to issue debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of Twenty years, being the currency of the said debentures, said yearly sums being of such respective sums that the aggregate amount payable, in each year for principal and interest in respect of said debt, shall be as nearly as possible, equal to the amount so payable in each of the other nineteen years of the said period.

AND WHEREAS the total amount required by "The Municipal Act" to be raised annually by special rate for paying the said debt and interest as hereinafter provided for is eight hundred and two dollars and forty-four cents (\$802.44).

AND WHEREAS the amount of the whole rateable property of the Town of Aurora according to the last revised Assessment roll is five hundred and thirty-five thousand two hundred and thirty dollars (\$535,230.00).

AND WHEREAS the amount of the existing Debenture debt of the said Municipality is Thirty-five thousand four hundred and thirty-six dollars and sixty-four cents (\$35,436.64), of which no part of either principal or interest is in arrears.

THEREFORE the Municipal Council of the Corporation of the Town of Aurora enacts as follows:—

1. That a loan of Ten thousand dollars (\$10,000) is hereby granted to the Positive Clutch and Pulley Works, Limited for the purposes aforesaid, and that the Corporation of the Town of Aurora for the purpose of raising the said sum, shall issue Debentures of the said Municipality to the amount of Ten thousand dollars (\$10,000) as aforesaid, to be issued in sums of not less than One hundred dollars (\$100.00) each and shall be issued on the Fifteenth day of June, 1911, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Bank of Montreal, in the said Town of Aurora, the last annual instalment of principal and interest being payable on the fourteenth day of June, 1931.

2. Each of the said Debentures shall be signed by the Mayor of the said Town of Aurora or by some other person authorized by By-law to sign the same, and by the Treasurer of the said Town of Aurora, and the Clerk shall attach thereto the Corporate seal of the Municipality.

3. The said Debentures shall bear interest at the rate of five per cent. per annum, payable yearly at the said Bank of Montreal on the fifteenth day of June, in each and every year during the currency thereof.

4. During the currency of the said Debentures there shall be raised annually, by special rate, on all the rateable property in the

said

said Town of Aurora, the sum of Eight hundred and two dollars and forty-four cents (\$802.44) for the purpose of paying the amount due in each of the said years, for principal and interest, in respect of said debt.

5. This By-law shall take effect on the Seventeenth day of May, 1911.

6. This By-law shall be submitted for the assent of the electors of the said Town of Aurora under the provisions of the Municipal Act, on the fifteenth day of May, 1911, the poll will be open at the hour of nine o'clock in the forenoon and continue until five o'clock of the same day, to take the votes of the qualified voters of the said Municipality on the said By-law.

The places for taking the said votes and the Deputy Returning Officers of the several wards of the said Town shall respectively be as follows:—

North Ward, Polling place—Nelson's Blacksmith Shop, Yonge St. Deputy Returning Officer, A. Love.

Centre Ward, Polling place—Council Chambers. Deputy Returning Officer, G. T. Smith.

South Ward, Polling place—Wilson's Shop, Yonge St. Deputy Returning Officer, H. D. Lundy.

7. On Friday, the twelfth day of May, 1911, the Mayor of the said Town of Aurora will attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk, on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

8. The Clerk of the Council of the said Town of Aurora shall attend at the Council Chamber at ten o'clock in the forenoon of Tuesday, the Sixteenth day of May, 1911, to sum up the number of votes for and against the By-law.

Dated at the Town of Aurora,  
this sixteenth day of May, A.D. 1911.

S. H. LUNDY,  
Clerk.

W. J. BALDWIN.



## CHAPTER 90.

An Act to confirm Certain By-Laws of the  
Town of Barrie.*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Municipality of the <sup>Preamble</sup>  
Town of Barrie has by its petition prayed for special legislation ratifying and confirming certain by-laws and debentures of the said Municipality hereinafter referred to; And whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws numbers 742, 743, 744, 745, 746, 747, 748, 749 and 750 specified in Schedule A hereto and the debentures issued pursuant thereto are hereby confirmed and declared legal, valid and binding.

By-laws  
Nos. 742  
to 750 in-  
clusive,  
and debentures there-  
under  
confirmed.

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SCHEDULE A.

By-law Number 742.—Passed January 15th, 1912, for the construction of a sewer on Sophia Street from the centre of Bayfield Street, thence westerly along Sophia Street a distance of 300 feet at a cost of \$400.00.

By-law Number 743.—Passed January 15th, 1912, for the construction of a sewer on Small Street from the centre of Ross Street to the centre of Elizabeth Street at a cost of \$2,050.00.

By-law Number 744.—Passed January 15th, 1912, for the construction of a sewer on Elizabeth Street from the centre of High Street, thence westerly along Elizabeth Street, 1921 feet and 6 inches at a cost of \$2,575.00.

By-law Number 745.—Passed January 15th, 1912, for the construction of a sewer on Owen and Wellington Streets from the centre of Sophia Street, thence northerly to the centre of Wellington Street, 737 feet 6 inches, thence easterly along Wellington Street 531 feet, at a cost of \$1,375.00.

By-law

By-law Number 746.—Passed January 15th, 1912, for the construction of a sewer on Clapperton Street from Wellington Street to Dunlop Street, a distance of 2,077 feet at a cost of \$2,850.00.

By-law Number 747.—Passed January 15th, 1912, for the construction of a sewer connecting Bayfield and Clapperton sewers at the five points at a cost of \$400.00.

By-law Number 748.—Passed January 15th, 1912, for the construction of a sewer on McDonald and Sophia Streets from Clapperton Street sewer to the centre of Sophia Street and from the manhole at that point westerly on Sophia Street 335 feet at a cost of \$825.00.

By-law Number 749.—Passed January 15th, 1912, for the construction of a sewer connecting Clapperton and McDonald Street sewers at a cost of \$125.00.

By-law Number 750.—Passed January 15th, 1912, consolidating By-laws Number 742 to 749, inclusive, and also consolidating the debentures issued under and pursuant to the said by-laws.

## CHAPTER 91.

## An Act respecting the City of Belleville.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Belleville Preamble. has by its Petition represented that the Corporation of the City of Belleville has overdrafts for the years 1910, 1911 and 1912, caused by expenditures in excess of receipts, estimated to be Twenty-nine Thousand Dollars (\$29,000.00) occasioned in providing new police cells to take the place of cells which had been condemned by the Inspector of Prisons, and for other unforeseen expenditures; and whereas the Municipal Council of the Corporation of the City of Belleville have made a grant of Four Thousand Five Hundred Dollars (\$4,500.00), to the Corporation of the County of Hastings towards the cost of constructing a bridge across the river Moira, at the northern boundary of the City of Belleville; and whereas it would be impossible to levy and raise the above sums by one annual levy on the present assessment of the municipality, and keep within the legal rate, and would also impose too heavy a burden upon the taxpayers of the said municipality; and whereas it is desirable and necessary that the Corporation of the City of Belleville should be permitted to issue debentures for the above amounts to cover said expenditures extending over such number of years not exceeding twenty years and bearing such rate of interest as the Council of the said Corporation may desire; and whereas the particulars of the existing debenture indebtedness of the Corporation of the City of Belleville are as follows: Consolidated debentures, \$408,000.00; Local Improvement Debentures, \$226,555.13; High School Debentures, \$8,500.00; Public School Debentures, \$103,000.00; Rolling Mills Bonus Debentures, \$55,000.00; Water Works Debentures, \$205,000.00; Gas Debentures, \$90,000.00; Wood Chemical Co., Ltd., Bonus, \$5,000.00; and whereas it is expedient to grant the prayer of the said Petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
borrow  
\$33,500.

1. The Municipal Council of the Corporation of the City of Belleville may borrow money and issue debentures therefor up to the sum of Thirty-three Thousand Five Hundred Dollars (\$33,500), for such period not exceeding twenty years and at such rate of interest as the Municipal Council of the Corporation of the City of Belleville may decide.

Application  
of pro-  
visions of  
Municipal  
Act.

2. The provisions of *The Municipal Act* so far as applicable shall apply thereto except that it shall not be necessary to obtain the assent of the ratepayers or electors thereto.

Application  
of proceeds  
of debentures.

3. When the said Debentures are issued and the proceeds thereof received by the said Council, they shall be applied in payment of the overdrafts of the years 1910, 1911 and 1912 caused by expenditures in excess of receipts for the said years, together with the sum of Four Thousand Five Hundred Dollars (\$4,500) granted by the Municipal Council of the said Corporation to the Corporation of the County of Hastings, towards the cost of constructing a bridge across the River Moira at the northern boundary of the City of Belleville, and should there be any balance after paying said overdrafts and grant, the same shall be paid into the Sinking Fund of the Corporation of the City of Belleville, but the parties from whom said money is borrowed shall be in no way responsible for the application thereof.

## CHAPTER 92.

An Act to confirm By-laws Numbers 1177  
and 1178 of the City of Berlin.*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Berlin, has <sup>Preamble</sup> by Petition represented that the Municipal Council of the said Corporation on the 17th day of June, 1912, passed a By-law Number 1177, to provide for the issue of debentures of the said Corporation to the amount of \$13,446.13, to defray the cost of certain cement sidewalks laid down in the year 1911 as local improvements; that the said Council on the 17th day of June, 1912, passed By-law Number 1178, to provide for the issue of debentures of the said Corporation to the amount of \$44,030.44, to defray the cost of work and improvements upon parts of certain streets therein mentioned in the said city in the year 1911; that the said by-laws were registered in the Registry Office for the County of Waterloo on the 18th day of June, 1912; that no application has been made, action brought, or proceedings had to quash or set aside the said by-laws or either of them; that the works and improvements in the said by-laws mentioned have been fully done and paid for, the money required for that purpose mentioned in the said by-laws respectively, having been raised by the said Corporation by temporary loans for that purpose as provided by the Statute in that behalf; that no petition has been presented at any time by any person interested against the said works and improvements, against the passing of the said by-laws or either of them, or against the issue of the debentures therein mentioned; that the debentures authorized to be issued by the said by-laws were to have been issued within three months after the date of the passing thereof, but inadvertently the same were not issued within such time and have not yet been issued; that objections have been made on behalf of intending purchasers; that the debentures were not issued within the time limited for that purpose, and also as to the wording of the resolutions of the Board of Works of the Council recommending the construction of the said works and improvements (after-

wards

wards adopted by the Council) in expressing that the works were to be done on the initiative; whereas the intention was that the works and improvements in question were to be done under section 677 of *The Consolidated Municipal Act, 1903*, and the notices required to be served under the initiative method of constructing local improvements were not served, but the procedure followed was entirely in accordance with that set forth for the undertaking of works under the said section 677; that the resolutions of the Council authorizing the construction of the said works and improvements were passed unanimously by the members of the Council present at the meetings of the Council at which the same were passed respectively, and the said Corporation has by the said petition prayed that an Act may be passed validating and confirming the said by-laws, and all rates imposed thereby and to be levied thereunder respectively, and authorizing the issue of the debentures under the said by-laws respectively, and extending the time for that purpose, and fixing the times when the same shall become payable; and whereas no opposition has been offered to the said petition and it is expedient to grant the prayer of the said petition;

THEREFORE His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws  
1177 and  
1178 con-  
firmed.

1. By-law Number 1177 of the Corporation of the City of Berlin intituled "City of Berlin, By-law Number 1177, to provide for the issue of debentures of the Corporation of the City of Berlin to the amount of \$13,446.13 to defray the cost of certain cement sidewalks laid down in the year 1911 as Local Improvements," and By-law Number 1178 of the said Corporation intituled "City of Berlin, By-law Number 1178 to provide for the issue of debentures of the Corporation of the City of Berlin to the amount of \$44,030.44 to defray the cost of work and improvements upon parts of certain streets therein mentioned in the said City of Berlin in the year 1911," are hereby confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof and upon the lands referred to in the said by-laws respectively and the said Corporation is hereby authorized and empowered to impose the rates provided for in the said by-laws respectively.

Issue of  
debentures  
under By-  
law No. 1177.

2. The said debentures under the said By-law Number 1177 shall be issued at any time within one year from the passing of this Act and shall be dated on the date of the issue thereof, and the first thereof shall be payable in one

year

year thereafter and another of such debentures shall be payable on the anniversary of such first date of payment in each of the nineteen years after the said date.

3. The said debentures under the said By-law Number 1178 shall be issued at any time within one year from the passing of this Act and shall be dated on the date of the issue thereof, and the first thereof shall be payable in one year thereafter and another of such debentures shall be payable on the anniversary of such first date of payment in each of the nine years after the said date.

Issue of  
debentures  
under By-  
law No. 1178.



## CHAPTER 93.

An Act to confirm certain By-laws of the City  
of Brantford.*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS, the Corporation of the City of Brantford has by its petition represented that certain By-laws of the said Corporation set out in Schedule "A" should be confirmed in order that the debentures may be more readily and profitably disposed of; and whereas By-law No. 1194, of the said Corporation set out as Schedule "B" hereto, for the purpose of borrowing \$109,375 and of loaning the same to Lake Erie and Northern Railway Company was submitted to the electors of such city on the 25th day of June, 1912, when out of 3,557 electors entitled to vote on the By-law 1,541 voted for and 261 against the By-law and it is desirable that such By-law should be confirmed; and whereas the said Corporation has prayed that an Act may be passed for such purposes, and it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain  
By-laws  
confirmed.

1. The By-laws of the Corporation of the City of Brantford respectively set out in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

By-law  
No. 1194  
confirmed.

2. By-law No. 1194, of the Corporation of the City of Brantford respecting the Lake Erie and Northern Railway Company set out in Schedule "B" hereto is confirmed and declared to be legal, valid and binding on the said Corporation and on the ratepayers thereof.

SCHEDULE

## SCHEDULE "A."

No. of By-law.	Nature of Work.	When passed.	Total Cost.	Amount borne by City.	Amount borne by Owners.	Period of Payment.	Rate of Interest.
						Years.	
1216	Respecting the purchase of Hydro-Electric Power and to provide for the installation of a distributing system and for Nov. 4th, 1912		\$115,000	\$115,000	.....	20	4½%
1223	To provide for the issue of debentures for flood prevention Jan. 13th, 1913		15,000	15,000	.....	20	4½%
1227	To provide for the issue of debentures for water works purposes Jan. 13th, 1913		150,000	150,000	.....	30	4½%
1229	To provide for the issue of debentures for Collegiate Institute purposes Dec. 16th, 1912		10,000	10,000	.....	30	4½%
1232	To provide for the issue of debentures secured by local special rates for the construction of concrete sidewalks in the City of Brantford during 1912	Feb. 3rd, 1913	20,170	.....	\$20,170	20	5%
1233	To provide for the issue of debentures, secured by local special rates for the construction of a concrete pavement on Market Street from Colborne Street to Victoria Bridge	Feb. 3rd, 1913	774	517	257	10	5%
1234	To provide for borrowing upon debentures to pay for the widening of Chestnut Avenue	Feb. 3rd, 1913	1,038	.....	1,038	15	5%
1235	To provide for borrowing upon debentures to pay for the construction of sanitary sewers	Feb. 3rd, 1913	20,770	182	20,588	40	5%
1236	To provide for the borrowing upon debentures to pay for the construction of storm sewers	Feb. 3rd, 1913	15,363	9,000	6,363	20	4½%

## SCHEDULE "B."

## BY-LAW No. 1194.

Of the Corporation of the City of Brantford, respecting the Lake Erie and Northern Railway Company.

WHEREAS, the Lake Erie and Northern Railway Company is a duly incorporated railway company by virtue of Chapter 106 of the Statutes of the Dominion of Canada, 1 and 2 George the Fifth, and is so incorporated for the purpose of constructing a railway from the village of Port Dover to the Town of Galt, via Simcoe and Paris, through the City of Brantford.

AND WHEREAS said company has requested the corporation of the City of Brantford to assist in the construction of the railway by lending to said company the sum of one hundred and nine thousand, three hundred and seventy five dollars, for which said corporation is to receive one hundred and twenty-five thousand dollars of bonds secured by second mortgage upon the undertaking and assets of the company.

AND WHEREAS it is advisable to comply with such request.

AND WHEREAS in order thereto it will be necessary to raise the sum of one hundred and nine thousand three hundred and seventy-five dollars by the issue of debentures of the said corporation, payable in thirty years from the date thereof, which is the amount of the debt intended to be created by this by-law.

AND WHEREAS it will be necessary to raise by special rate during the term of 30 years from the 31st day of December, 1912, for paying the said debt, the sum of one thousand, nine hundred and fifty dollars, and for paying the interest upon the said debt the sum of four thousand, nine hundred and twenty-two dollars, making in all the sum of six thousand, eight hundred and seventy-two dollars during each year of the said term.

AND WHEREAS the amount of the whole rateable property of the corporation, according to the last revised assessment roll, is the sum of thirteen million, four hundred and two thousand, and five dollars.

AND WHEREAS the amount of the existing debenture debt of the said corporation is the sum of one million, five hundred and five thousand and five hundred and fourteen dollars, whereof no amount of principal or interest is in arrear.

THEREFORE, the Council of the Corporation of the City of Brantford enacts as follows:

1.—It shall be lawful for the Corporation of the City of Brantford to borrow the sum of one hundred and nine thousand, three hundred and seventy-five dollars, and to issue debentures of the corporation therefor in sums of not less than one hundred dollars each, on the 31st day of December, 1912, each of which debentures shall be dated on the said 31st day of December, 1912, and shall be payable on the 31st day of December, 1942.

2.—Each of the said debentures shall be signed by the Mayor of the said corporation, or by some other person authorized by by-law to sign the same, and also by the Treasurer thereof, and the Clerk of the said corporation shall attach thereto the Corporate Seal of the Municipality.

3.—The said debentures shall bear interest at the rate of 4½ per cent. per annum, payable half-yearly, on the 30th day of June and the 31st day of December, in each and every year during the currency thereof, and shall have attached to them coupons for the payment of said interest. Each coupon shall be signed by the said Treasurer. It shall be sufficient if the fac-simile signature of the Treasurer is printed upon said coupons for the payment of interest.

4.—During the currency of the said debentures there shall be raised annually by special rate on all rateable property in the city of Brantford the sum of \$4,922.00 for payment of interest on the said debentures and the sum of \$1,950.00 for the purpose of creating a sinking fund for payment of the debt thereby secured, making in all the sum of \$6,872.00 to be raised annually as aforesaid.

5.—Debentures may both as to principal and interest be made payable at any place in Great Britain or in the Dominion of Canada or in the City of New York and may be expressed in sterling money or in other currency.

6.—The said sum of one hundred and nine thousand, three hundred and seventy-five dollars to be raised under the provision of this by-law shall be loaned to the Lake Erie and Northern Railway Company and shall be secured by one hundred and twenty-five thousand dollars second mortgage bonds of the Lake Erie and Northern Railway Company, which shall be issued to and become the property of the corporation, parcel of a total issue of five hundred thousand dollars of second mortgage bonds which shall be subject only to an issue of first mortgage bonds of eleven hundred thousand dollars bearing interest at five per cent. and shall be secured by mortgage upon all the undertaking, property, rents and revenues of the company, present and future, save and except its terminal station buildings at Brantford and its rolling stock, which mortgage, as also said bonds, shall as to form and substance be subject to the approval of the solicitor for the corporation of the city of Brantford.

7.—Said mortgage bonds shall be due and payable at the expiration of thirty years from the date of issue thereof and shall bear interest in the meantime at the rate of five per cent. per annum, payable half yearly.

8.—The proceeds of said issue of bonds as also of the issue of first mortgage bonds and all subsidies received from the government of Canada or otherwise by said company shall be expended in the actual construction of a railway of standard steam railway construction commencing from a point at or near the town of Port Dover, on Lake Erie, passing through or near the town of Simcoe in the County of Norfolk, through the city of Brantford and the town of Paris in the County of Brant, to a point at or near the town of Galt in the County of Waterloo.

9.—The debentures to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this corporation be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation of the city of Brantford.

10.—The said Mayor and treasurer may cause the said debentures, or a sufficient amount thereof, to be sold or hypothecated or may authorize the said debentures or any portion thereof to

be purchased or taken as and for a temporary or permanent investment of the sinking fund of the municipality, and the proceeds thereof after providing for the discount, if any, and the expenses of negotiation and sale thereof, shall be applied for the purpose for which the said debentures are issued and no other.

11.—The votes of the electors of the corporation of the city of Brantford shall be taken on this by-law between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon of Tuesday, the twenty-fifth day of June, 1912, at the following polling places and by the following deputy returning officers, namely:

Polling Sub-Divisions 1 and 2.—In the house of W. Graham, No. 33 Egerton street. D. McEwen Deputy Returning Officer.

Polling Sub-Division 3.—In the house of G. W. Croft, No. 14 Bowes Ave., Thomas Bremner, Deputy Returning Officer.

Polling Sub-Divisions 4, 5 and 6.—In the shop of Grant Jarvis, No. 9 Colborne St., J. Callis, Deputy Returning Officer.

Polling Sub-Divisions 7 and 8.—No. 32 Niagara St., J. W. Pierce, Deputy Returning Officer.

Polling Sub-Divisions 9, 10 and 11.—In the house of L. Vansickle, Albion St., Chas. Read, Deputy Returning Officer.

Polling Sub-Divisions 12, 13 and 14.—Court House, J. Dowling, Deputy Returning Officer.

Polling Sub-Divisions 15 and 16.—122 Market St. E. Cutmore, Deputy Returning Officer.

Polling Sub-Divisions 17 and 18.—No. 204 Darling St. William Green, Deputy Returning Officer.

Polling Sub-Divisions 19, 20 and 21.—No. 233 Murray St. William Smart, Deputy Returning Officer.

Polling Sub-Divisions 22, 23 and 24.—No. 155 Park Ave. F. J. Bullock, Deputy Returning Officer.

Polling Sub-Divisions 25, 26 and 27.—No. 74½ Erie Ave., Jos. Hawkins, Deputy Returning Officer.

12.—On Thursday the twentieth day of June, 1912, the Mayor of the said city of Brantford shall attend at the city hall of the said city of Brantford, at the hour of 11 o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and on the final summing up of the votes by the city clerk on behalf of the persons interested in promoting or opposing the passing of this by-law, respectively.

13.—The clerk of the said city of Brantford shall attend at the said city hall at 10 o'clock in the forenoon on the twenty-sixth day of June, 1912, to sum up the number of votes given for and against this by-law.

14.—This by-law shall take effect from and immediately after the final passing thereof.

I hereby certify that the foregoing is a true, accurate, and correct copy of By-Law No. 1,194 of the City of Brantford.

H. F. LEONARD, *City Clerk*.

Passed on this 23rd day of September, 1912.

(Sgd.) H. F. LEONARD, *Clerk*.

(Sgd.) CHAS. H. HARTMAN, *Mayor*.

## CHAPTER 94.

An Act respecting the Floating Debt of the  
Town of Collingwood.*Assented to 6th May, 1913.*

**W**HEREAS the Municipal Corporation of the Town of Collingwood has by petition represented that the said Corporation has incurred a floating debt of about \$17,000 in addition to the ordinary expenses of the said Corporation, which debt has been incurred for the most part in the construction of certain works and improvements of a necessary and permanent character, the particulars whereof are as follows:—\$2,730.12 being the excess of the cost of a fire hall over and above the estimated cost of \$14,000 for the expenditure of which the duly qualified ratepayers of the said town had given their sanction; \$2,302.95 occasioned by a deficiency arising on the sale of a block of debentures of the said Corporation to the amount of \$97,000, such debentures being composed of \$30,000 for the erection of the King George public school, \$1,500 for the improvement of the King Edward public school, \$14,000 for the construction of a main sewer, \$6,400 of debentures under the Consolidated Debenture Act of 1900, \$7,000 issue of debentures under the Consolidated Act of 1909, amounting in all to the sum of \$97,000. \$2,500 being the cost of extending the main sewer from Hurontario Street to the Septic Tank to comply with the order of the local Board of Health; \$3,461.44 being excess of the cost of the erection of the King George public school over the estimated cost of \$30,000; \$5,085.50 for rebuilding two cement bridges and repairing roads destroyed by sudden floods; and whereas the said Corporation has further represented that to pay the said floating debt forthwith in addition to meeting the necessary annual expenses of the Corporation would be unduly oppressive to the ratepayers of the said Corporation; and whereas it has been made to appear that the members of the Council of the said Corporation are all in favor of the consolidation of the said debt; and whereas the said Corporation by its said petition has prayed that the said floating debt may be consolidated and that the said Corporation may issue debentures for the amount thereof; and whereas the said Corporation have  
further

Preamble.

63 Vict. c. 64.  
Edw. VII.  
c. 104.

further represented that the rate of interest, namely, four and one half per centum carried on debentures yet to be issued under the authority of the Act passed in the 62nd year of the reign of Her late Majesty Chap. 44 is not high enough to effect an advantageous sale of such debentures and the said Corporation has prayed that the interest on such debentures as are not yet issued under the authority of the said Act be increased from four and one half to five per centum; and whereas the said Corporation have further represented that in order to cure some omissions which have occurred in connection with By-law No. 795 of the Town of Collingwood to borrow \$30,000 to install Hydro Electric power system in the said town and for improvements in the pump and piping system of the Collingwood Water Works System to validate said by-law No. 795 of the Town of Collingwood and the debentures issued thereunder; and whereas it is expedient to grant the prayer of the said petitioners.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consolidation of floating debt.

1. The said floating debt of the Corporation of the Town of Collingwood is hereby consolidated at the sum of \$17,000 and it shall and may be lawful for the said Corporation to raise by way of loan on the credit of its debentures to be issued under the authority of this Act from any person or persons or body corporate the sum of \$17,000.

Debentures, how payable.

2. The said debentures shall be in the sums of not less than \$100 each, and shall be made payable at such places as the Corporation may deem expedient.

Term of debentures.

3. A portion of such debentures shall be made payable in each year, for a period not exceeding 20 years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such interest shall be made payable by coupons to be attached to the said debentures, if the by-law so directs, and shall be at such rate not exceeding five per centum per annum as the said Corporation may direct, and shall be payable yearly or half yearly as the said Corporation may direct.

Hypothecation of debentures.

4. The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the same as may be deemed expedient.

Application of proceeds of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said Corporation to the redemption of the



the said floating debt of \$17,000 and for no other purpose whatsoever.

6. It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act*, 1903, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

7. No irregularity in form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder of said debentures shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under the by-law and interest thereon is fully paid and satisfied.

9. The said Corporation shall levy on all the rateable property in the said Town, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate," and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Collingwood from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

11. It shall be the duty of the Treasurer for the time being of the said Corporation to keep, and it shall be the duty of the members from time to time of the Council of the said Corporation to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time

shall

shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Corporation, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Power to  
increase  
rate of  
interest.

**12.** That it shall and may be lawful for the Corporation of the Town of Collingwood in issuing debentures under the authority of the Act passed in the 62nd year of the reign of Her late Majesty Chapter 44 to increase the interest payable on such debentures from four and one-half to five per centum and such debentures shall be as valid and effectual and as legal as if the rate of five per centum had been included in the said original Act.

By-law 795  
confirmed.

**13.** That By-law No. 795 of the Town of Collingwood authorizing the issue of debentures for \$30,000 to install the Hydro Electric Power system in the Town of Collingwood and to provide for the installation of two electric pumps and an extension of the intake pipe be and the same is hereby confirmed, validated and legalized and the said By-law and all debentures which have or may be issued thereunder are hereby declared legal, valid and binding upon the said Municipal Corporation notwithstanding any mistake or omission which may have occurred in the passing of the said by-law, or in the issuance of debentures thereunder, or notwithstanding the want of approval by the Board of Health under *The Public Health Act*.

2 Geo. V.  
c. 58.

By-law of  
County  
guarantee-  
ing debentures  
issued  
under by-  
law 795  
confirmed.

**14.** That By-law No. 1082, of the County of Simcoe guaranteeing the debentures to be issued under said By-law No. 795 of the Town of Collingwood be and the same is hereby ratified, confirmed and validated and declared legal and binding upon the said Corporation of the County of Simcoe.

## CHAPTER 95.

## An Act respecting the Town of Dunnville.

*Assented to 6th May, 1913.*

**W**HEREAS the Municipal Corporation of the Town of <sup>Preamble.</sup> Dunnville has by petition represented that in the years 1910 and 1911 the said Town constructed a system of sewers as local improvements; that the construction of the said system of sewers was undertaken on the recommendation of the Local Board of Health and the plans and specifications therefor were duly approved of by The Provincial Board of Health; that a Court of Revision for the hearing of complaints has been held and a special assessment roll made and certified; that on the eleventh day of July, 1912, the Council passed By-law Number 6, A.D. 1912, set forth as Schedule "A" hereto, providing for borrowing \$36,000 upon debentures to pay for the construction of the said system of sewers and imposing rates to pay the said debentures; that doubts have arisen respecting the sufficiency of the said recommendation of the Local Board of Health and respecting the validity of the said by-law and of the debentures to be issued thereunder, and the said Corporation has by its said petition prayed that an Act may be passed to confirm the said by-law, the rates thereby imposed and the debentures thereby authorized to be issued; and whereas the said Corporation has by its said petition further represented that it has been ascertained that the said sum of \$36,000 is insufficient to pay for the construction of the said system of sewers and that there is a deficiency of \$1500 to be provided for, and the said Corporation has by its said petition prayed that the Council may be authorized to pass a by-law providing for borrowing the said sum of \$1500, and issuing debentures therefor and assessing two-thirds of the amount of the loan as the owner's portion of the cost by an equal annual rate per foot frontage upon the lots specially assessed under the said by-law No. 6, A.D. 1912, without taking any of the proceedings required by *The Local Improvement Act* or by any other Act, and providing for payment of the remaining one-third of the loan as the Corporation's

tion's portion of the cost by a rate upon the whole rateable property of the Municipality; and Whereas the said Corporation has by its said petition further represented that a sewer has been constructed upon Broad Street from Centre Street to the Eastern limit of the House of Refuge in the said Town; that the lands upon both sides of Broad Street abutting upon the said sewer are not required for building purposes and the said sewer is not required by the owners of the said lands but the same is necessary for the House of Refuge, and the County of Haldimand has advanced to the Town the sum of \$667.60 to pay for the said sewer, pursuant to an agreement with the town providing that upon the said lands or any part thereof being used for building purposes the town will repay to the said County the moneys so advanced, and the said Corporation has by its said petition prayed that upon the said Corporation being required to repay the said moneys at any time within fifteen years after the construction of the said sewer the Council may be authorized to pass a local improvement by-law providing for borrowing \$667.60 upon debentures payable within fifteen years from the date of the issue thereof to repay to the County of Haldimand the moneys advanced as aforesaid and to specially assess the lands abutting upon the said part of the said street to pay one-half of the amount of the debentures and the interest thereon and to impose a rate upon the whole rateable property of the Municipality to pay the other half of the amount of the said debentures, but in the event of the said Corporation not being required to repay the said moneys within such fifteen years but being thereafter required to repay the same, the Council may without the consent of the electors pass a by-law to borrow the said sum of \$667.60 upon debentures payable within fifteen years from the date of the issue thereof and impose a special rate upon all the rateable property in the Municipality to pay the same; and whereas the Corporation has by its said petition represented that a sewage disposal plant has been constructed in connection with said system of sewers and that By-law No. 13, A.D. 1911, set forth as Schedule "B" hereto, has been passed with the assent of the electors to borrow \$9,400.00 upon debentures to pay for the same and the Corporation has by its said petition prayed that the said By-law No. 13, A.D. 1911, and the rates thereby imposed and the debentures issued thereunder may be declared to be valid and binding upon the said Corporation and the ratepayers thereof; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 6, A.D. 1912 of the Municipal Council of the Corporation of the Town of Dunnville, intituled "A By-law to provide for borrowing \$36,000 upon debentures to pay for the construction of a sewer system established on certain streets in the said Town of Dunnville," as set forth in Schedule "A," to this Act, and the rates thereby imposed are hereby declared to be legal, valid and binding upon the corporation of the Town of Dunnville and the ratepayers thereof. All debentures issued or to be issued under the said by-law and substantially complying with the provisions thereof, are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and it shall not be necessary for the purchaser of any of such debentures to inquire into the proceedings relating to the passing of the said By-law, or to the issue of such debentures.

By-law No.  
6 of 1912  
confirmed.

2. The Municipal Council of the Corporation of the Town of Dunnville is hereby authorized to pass a local improvement By-law providing for borrowing the sum of \$1,500, and issuing debentures therefor to pay the balance of the cost of the system of sewers referred to and provided for in By-law Number 6, A.D. 1912, set forth in Schedule "A" to this Act. The principal of such debentures shall be made payable in yearly sums during twenty years after the date of the issue thereof, of such respective amounts that the aggregate amount payable for principal and interest in each year shall be equal. For the purpose of paying the said debentures and the interest thereon a special equal annual rate per foot frontage shall be imposed by such by-law upon all the lots or lands specially assessed under said By-law Number 6, A.D. 1912, sufficient to provide two-thirds of the amount required annually to pay the said annual instalments of principal and of the annual interest, and a special general annual rate shall be imposed upon all the rateable property of the Municipality sufficient to provide the remaining one-third of the amount required annually to pay the said annual instalments of principal and of the annual interest. No petition or initiating proceedings or authority whatever other than the authority hereby conferred upon the said council shall be required for the passing of such by-law and it shall not be necessary to comply with any of the provisions of *The Local Improvement Act*, or with the provisions relating to Local Improvements, contained in any Act in force at the time of the passing of such by-law, and the said special annual rate per foot frontage may be imposed upon the lots or lands specially assessed under said By-law Number 6, A.D. 1912, by a reference to the special assessment roll mentioned and referred to in the said by-law, and no further or other description of said lands shall be required,

Power to  
borrow  
\$1,500 to  
complete  
construction  
of sewerage  
system.

and it shall not be necessary that such by-law be submitted to or receive the assent of the electors.

Confirma-  
tion of  
by-law.

(2) Any By-law passed under the authority of subsection one of this Section and substantially complying with the provisions thereof and the rates thereby imposed shall be valid and binding upon the said Corporation and the ratepayers thereof. Debentures issued under such By-law and substantially complying with the provisions thereof shall be valid in law and binding upon the Corporation of the Town of Dunnville, and the ratepayers thereof, and it shall not be necessary for the purchaser of any of such debentures to inquire into the proceedings relating to the passing of such By-law or the issue of such debentures.

Power to  
borrow  
\$667.60 to  
repay  
County of  
Haldimand.

3. Upon the Corporation of the Town of Dunnville being required to repay to the Corporation of the County of Haldimand the sum of \$667.60 advanced to pay for the construction of the sewer on Broad Street, referred to in the Preamble to this Act, or any part thereof within fifteen years from the time of the construction of the said sewer, the Council may pass a local improvement by-law providing for borrowing a sum not exceeding the sum of \$667.60 upon debentures to repay the amount due to the said County of Haldimand and to specially assess the lands abutting upon the part of the said Street in which the said sewer is situate to pay one-half of the amount of the debentures and of the interest thereon as the owner's portion of the cost of said sewer within a period not exceeding fifteen years from the date of the issue of such debentures and to assess the other half of the said amount upon all the rateable property of the municipality. In the event of the Corporation not being required to repay the said moneys to the Corporation of the County of Haldimand within such fifteen years, but being thereafter required to pay the same, the Council may pass a by-law to borrow a sum not exceeding the said sum of \$667.60 upon debentures payable within fifteen years from the date of the issue thereof for the purpose aforesaid and impose a special rate upon all the rateable property in the Municipality to pay such debentures and the interest thereon and it shall not be necessary that such by-law be submitted to or receive the assent of the electors.

By-law No.  
13 A.D. 1911  
of Town of  
Dunnville  
confirmed.

4. By-law No. 13, A.D. 1911, of the Municipal Council of the Corporation of the Town of Dunnville, as set forth in Schedule "B" to this Act and the rates thereby imposed and the debentures issued under the said by-law are hereby declared to be legal, valid and binding upon the Corporation of the Town of Dunnville and the ratepayers thereof.



## SCHEDULE "A."

BY-LAW NUMBER 6, A.D. 1912.

A By-law to provide for borrowing \$36,000 upon debentures to pay for the construction of a sewer system established on certain streets in the said Town of Dunville.

WHEREAS pursuant to a By-law, which received the assent of the electors and was finally passed by the Council of the Municipality of the Town of Dunville on the Fifteenth day of June, A.D. 1906, whereby it was provided that all future assessments for local improvement should be uniform frontage assessment.

AND WHEREAS pursuant to a By-law passed on the Fifteenth day of June, A.D. 1906, a sewer system has been constructed on the said streets mentioned and referred to in said Schedule "C" hereto annexed as a local improvement, and under the provisions of The Local Improvement Section of *The Municipal Act*.

AND WHEREAS the total cost of the work is \$36,000.00, of which \$10,258.00 is the Corporation's portion of the cost and \$25,742.00 is the owner's portion of the cost, for which a special Assessment Roll has been duly made and certified.

AND WHEREAS the estimated lifetime of the work is twenty years.

AND WHEREAS it is necessary to borrow the said sum of \$36,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of Five per cent. per annum, which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it is expedient to make the principal of the said debt payable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

AND WHEREAS it will be necessary to raise annually the sum of \$2,888.71 during the period of Twenty years to pay the said yearly sums of principal and interest as they become due, of which \$10,258.00 is required to pay the Corporation's portion of the cost and the interest thereon, and \$25,742.00 is required to pay the owner's portion of the cost and the interest thereon.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, being for the year A.D. 1912, is \$1,558,750.00, including school rate.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rate or assessment, is \$177,624.70, together with the sum of \$36,000, being the amount owing on the sewer system recited herein and the sum of \$9,400, being the amount owing on the construction of a pumping station in the said Town of Dunville, and no part of the principal or interest is in arrears.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE SAID TOWN OF DUNNVILLE ENACTS AS FOLLOWS:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$36,000, and the

debentures



debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of Five per cent. per annum, and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of the such years shall be as follows:—

	Interest.	Principal.	Total.
1. ....	\$1,800.00	\$1,088.71	\$2,888.71
2. ....	1,745.53	1,143.18	2,888.71
3. ....	1,688.40	1,200.31	2,888.71
4. ....	1,628.38	1,260.33	2,888.71
5. ....	1,565.35	1,323.36	2,888.71
6. ....	1,499.18	1,389.53	2,888.71
7. ....	1,429.70	1,459.01	2,888.71
8. ....	1,356.77	1,531.94	2,888.71
9. ....	1,280.16	1,608.55	2,888.71
10. ....	1,199.73	1,688.98	2,888.71
11. ....	1,115.28	1,773.43	2,888.71
12. ....	1,026.61	1,862.10	2,888.71
13. ....	933.51	1,955.20	2,888.71
14. ....	835.74	2,052.97	2,888.71
15. ....	733.10	2,155.61	2,888.71
16. ....	625.32	2,263.39	2,888.71
17. ....	512.14	2,376.57	2,888.71
18. ....	393.33	2,495.38	2,888.71
19. ....	268.56	2,620.15	2,888.71
20. ....	137.55	2,751.16	2,888.71
	<hr/> \$21,774.34	<hr/> \$35,999.86	<hr/> \$57,774.20

3. The debentures as to both principal and interest may be expressed in Canadian currency or sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4. The Mayor, or head of the Municipality, shall sign and issue the debentures and interest coupons, and the same shall be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, the sum of \$2,888.71 shall be raised annually for the payment of the debt and interest as follows:

6. The sum of \$512.90 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon, and shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality at the same time and in the same manner as other rates.

7. For the payment of the owner's portion of the cost and interest thereon, the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$2,375.81 each, and for that purpose an equal annual special rate of .06759 cents per foot frontage is hereby imposed upon each lot entered in the said special assessment roll, according to the assessed frontage thereof, over and

above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation, at the same time and in the same manner as other taxes.

8. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

9. The amount of the loan authorized by this By-law may be consolidated with the amount of any loans authorized by other local improvement By-laws, by including the same with such other loans in the consolidating By-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue, pursuant to the provisions of the statute in that behalf.

10. This By-law shall take effect on the day of the final passing thereof.

Passed this eleventh day of July, A.D. 1912.

J. W. HOLMES,  
Clerk.  
(Seal.)

(Sgd.) W. J. GRIFFITH,  
Mayor.

### SCHEDULE "C."

Street.	From.	To.
Niagara.	Canal.	Broad.
Broad.	Niagara.	Centre.
Lock.	Chestnut.	Centre.
Alder.	Tamarac.	Centre.
Forest.	Cedar.	Sime Ave.
Tamarac.	Broad.	Forest.
Chestnut.	Canal.	South Cayuga.
Canal St. West.	Lock.	Main.
Cedar.	Lock.	Main.
Cedar.	Alder.	South Cayuga.
Pine.	Lock.	Main.
Church.	Alder.	South Cayuga.
Logan Rd.	Forest St. North for	Ninety-two Feet.
Sime Ave.	Forest St. North Three	Hundred Feet.
Maple.	Canal.	Broad.
Maple.	Alder.	South Cayuga.

## SCHEDULE "B."

BY-LAW NUMBER 13, A.D. 1911.

By-law to provide for the payment of \$9,400 for an Ejector Station and the compressed air line by which it is operated in connection with the Sewerage System in the Town of Dunnville.

WHEREAS a System of Sewers has been constructed and completed in the said Town of Dunnville, and an Ejector Station has been constructed and erected in connection therewith and a compressed air line has been laid and constructed for the operation thereof, and the said town has paid and expended the said sum of \$9,400 for the construction and operation of the said Ejector Station and compressed air line.

AND WHEREAS for the purpose aforesaid it will be necessary to issue debentures of the said Municipality for the sum of \$9,400, with interest thereon at the rate of Five per cent. per annum, as hereinafter provided for, which is the amount of the said debt intended to be created by this By-law, the proceeds of said debentures to be applied to the purposes aforesaid, and to no other.

AND WHEREAS the whole of the rateable property of the said Municipality according to the last revised assessment roll of the said Municipality being for the year 1911 is the sum of \$1,407,650.

AND WHEREAS the amount of the existing debenture debt of the said Municipality of the said Town of Dunnville is the sum of \$109,412.22 of present bond issue, of which no part of principal or interest is in arrears.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF DUNNVILLE ENACTS AS FOLLOWS:

1. That for the purpose aforesaid it shall be lawful for the said Corporation of the Town of Dunnville to borrow the sum of \$9,400, and for that purpose to cause any number of debentures of said Corporation of said Town of Dunnville to be made, executed and issued, not exceeding \$9,400 in sums not less than One Hundred Dollars each, which debentures shall have coupons attached thereto for the payment of interest, and all moneys so to be raised shall be applied and expended for the purposes aforesaid and in no other way and for no other purpose.

2. The said debentures shall bear interest at the rate of Five per cent. per annum, payable yearly, and as to both principal and interest may be payable at The Canadian Bank of Commerce, Dunnville branch.

3. The Mayor of this Municipality shall sign and issue the said debentures and coupons, and cause the same to be signed by the Treasurer of this Municipality, and the Clerk of this Municipality is hereby authorized and instructed to attach the Corporate Seal of the said Municipality to the said debentures.

4. The said debentures shall be dated and issued all at one time, and shall bear the same date and shall be disposed of within two years from the date of the final passing of this By-law and shall be payable in twenty instalments during the twenty years next after the issue of the same and the respective amounts of principal and interest payable during each of the said years shall be as follows:—

Interest

	Interest.	Principal.	Total.	Year.
1. ....	\$470.00	\$284.27	\$754.27	1912
2. ....	455.78	298.49	754.27	1913
3. ....	440.85	313.41	754.27	1914
4. ....	425.19	329.08	754.27	1915
5. ....	408.73	345.54	754.27	1916
6. ....	391.45	362.82	754.27	1917
7. ....	373.31	380.96	754.27	1918
8. ....	354.27	400.00	754.27	1919
9. ....	334.26	420.01	754.27	1920
10. ....	313.26	441.01	754.27	1921
11. ....	291.21	463.06	754.27	1922
12. ....	268.07	486.20	754.27	1923
13. ....	243.75	510.52	754.27	1924
14. ....	218.22	536.05	754.27	1925
15. ....	191.42	562.85	754.27	1926
16. ....	163.28	590.99	754.27	1927
17. ....	133.73	620.54	754.27	1928
18. ....	102.70	651.57	754.27	1929
19. ....	70.12	684.15	754.27	1930
20. ....	35.92	718.35	754.27	1931

5. That for the purpose of paying the said instalments of principal and interest as the same fall due respectively during the said twenty years of the currency of said debentures, the sum of \$754.27 shall be levied and raised annually by a rate sufficient therefor on all the rateable property of this Municipality.

6. This By-law shall take effect upon the day of the final passing thereof.

7. That for the purpose of ascertaining whether the electors of the said Town of Dunnville qualified to vote upon this By-law, assent to the same, a poll will be opened on the First day of January, A.D. 1912, at the hour of nine o'clock in the forenoon, and continue open until five o'clock in the afternoon at the several polling sub-divisions, as follows:—

Polling Subdivision Number 1, at the Orange Hall on Canal Street West, in the said Municipality, James R. Robb shall be the Deputy Returning Officer at such poll, and John Stevens shall be the Poll Clerk to take the votes of the electors qualified to vote on the said By-law.

Polling Subdivision Number 2, at the Town Hall in the said Municipality on Chestnut Street, Fergus Schofield shall be Deputy Returning Officer at such poll and Morley Brown shall be the Poll Clerk to take the votes of the electors qualified to vote on the said By-law.

Polling Subdivision Number 3, at the Opera House Block on the south side of Lock Street in the said Municipality, William Hamilton shall be the Deputy Returning Officer at such poll, and Roper Jackson shall be the Poll Clerk to take the votes of the electors qualified to vote on the said By-law.

Polling Subdivision Number 4, at the Standard Foundry Co. building, corner of Cedar and North Cayuga Streets in said Municipality, George M. Marshall shall be the Deputy Returning Officer at such poll, and William Bennett shall be the Poll Clerk, to take the votes of the electors qualified to vote on said By-law.

8. That Friday, the 29th day of December, A.D. 1911, at 12 o'clock noon, is hereby appointed as the time when, and the Town Hall in the said Municipality as the place where the head of the Municipality shall appoint in writing, signed by him, two persons to attend at such polling place and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in, and desirous of promoting or opposing the passing of the said By-law.

9. That Wednesday, the 3rd day of January, A.D. 1912, at 11 o'clock in the forenoon is hereby appointed as the time when, and the Town Hall in the said Town of Dunnville as the place where, the Clerk of the said town shall attend at the final summing up of the votes given for and against the said By-law.

TAKE NOTICE that the above is a true copy of a proposed By-law, which has been taken into consideration, and which will be finally passed by the Council of the Municipality (in the event of the assent of the electors being obtained thereto), after one month from the first publication in the *Dunnville Gazette*, the date of which publication was Friday, the 8th day of December, A.D. 1911, and that the votes of the electors of the said Municipality will be taken thereon on the first day of January, A.D. 1912, between the hours of 9 a.m. and 5 p.m., and at the places therein fixed.

Passed finally the 15th day January, A.D. 1912.

(Sgd.) J. W. HOLMES,

Clerk.

Seal.

(Sgd.) W. J. GRIFFITH,

Mayor.

## CHAPTER 96.

## An Act respecting the City of Fort William.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Fort William <sup>Preamble.</sup> has by Petition, represented that By-laws numbered 1194, 1195, 1196, 1197, 1239 and 1240, of the said City, set out in Schedule "A," "B," "C," "D," "E," and "F" respectively hereto, were each duly published, as required by law in a newspaper, published at Fort William, prior to the date of voting thereon; that the said By-laws numbered 1194, 1195, 1196 and 1197 were each submitted to the electors of the said City, entitled to vote thereon on Wednesday, the 10th day of July, 1912; that the said By-laws numbered 1239 and 1240 were each submitted to the electors of the said City, entitled to vote thereon, on Monday, the 6th day of January, 1913, when the following was the result of the polling in respect of such By-laws, namely:—

By-law Number 1194	.....1,494 votes in favor of, 454 votes against out of a total of 3,335;
By-law Number 1195	.....1,569 votes in favor of, 384 votes against out of a total of 3,335;
By-law Number 1196	.....1,484 votes in favor of, 467 votes against out of a total of 3,335;
By-law Number 1197	.....1,609 votes in favor of, 376 votes against out of a total of 3,335;
By-law Number 1239	.....1,367 votes in favor of, 472 votes against out of a total of 3,981;
By-law Number 1240	.....1,341 votes in favor of, 498 votes against out of a total of 3,981;

that the said By-laws numbered 1194, 1195, 1196 and 1197 were each finally passed by the Council of the said City, on the 16th day of July, 1912; that the said By-laws numbered 1239 and 1240 were so finally passed on the 14th day of January, 1913; and that no application has been made to quash any of the said By-laws, nor is any action pending, wherein the validity of any of the said By-laws is or may be called in question; and whereas the said Corporation has by Petition, further represented that the National Tube Company,

pany, Limited, are the assignees of the Company to be incorporated under an agreement dated the first day of November, 1911, and made between the Corporation of the City of Fort William, of the one part and Frank V. Samwell of the other part (which agreement is set forth in Schedule "C" to *The City of Fort William Act, 1912* and validated thereby); that pursuant to such validated agreement the City has entered into a similar agreement with The National Tube Company, Limited, extending the time for completion of the plant, works and equipment therein referred to, which agreements with the said Company are set forth in Schedules "G" and "H" hereto; and whereas the said Corporation has by Petition further represented (a) that it has constructed a system of waterworks of a substantial and permanent character for the purpose of supplying the inhabitants with pure water; that from the situation of the City it has been necessary to bring such water supply from a distance of eight miles, and that the work has been of an expensive character from its involving the construction of a long tunnel through rock, and being on a scale adequate to meet the present and prospective rapid growth and development of the City, due to its exceptional position at the head of navigation on the Great Lakes and its railway connection; (b) that the Corporation has heretofore passed By-laws authorizing the issue of debentures for the construction of such waterworks system to the amount of \$1,212,400, the particulars of which are set out in Schedule "I" hereto, and that owing to the heavy debts incurred, as well as for the construction of such waterworks system as for other necessary purposes and to the probable further money requirements to meet the rapidly growing needs of the City it would be unduly burdensome on the rate-payers of the Corporation to meet the debentures at their maturity, and it is desirable that such debentures should be consolidated into one issue of \$1,212,400, payable within fifty years; (c) that looking to the fact that the waterworks system will be revenue-producing to an amount equal to the annual sum required to be levied for interest and sinking fund to meet the debentures to be issued under such consolidating By-law, and to the probable necessity of debenture issues in the future for monies required to be expended for purposes rendered necessary by the rapid growth and extension of the City, it is desirable that the amount of the debentures authorized by such consolidating By-law be not included in the amount of Debenture Debt of the City, in making future debenture issues; and whereas, by certificate, dated the 4th day of October, 1912, the Provincial Board of Health approved of the said system of waterworks; and whereas the said Corporation, has by Petition further represented that the existing Debenture Debt of the said Corporation, exclusive of the Local Improvement Debenture Debt, amounts to \$3,195,100.81, made up as follows:—



Street Railway Debenture Debt .....	\$505,000 00
Waterworks Debenture Debt .....	877,432 57
Electric Light Debenture Debt .....	211,366 11
Telephone Debenture Debt .....	199,000 00
General Debenture Debt .....	1,130,369 55
School Debenture Debt .....	271,932 58

of which no part of the principal or interest is in arrear, for the payment of which a sinking fund of \$531,819.06 has been provided; that the amount of the rateable property of the said Corporation, according to the last revised assessment roll, liable for the general taxation of the said Corporation, is \$25,167,925, plus \$30,000 in cash paid by The Canadian Pacific Railway Company yearly; and whereas the said Corporation, has by Petition prayed for Special Legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) By-law Number 1194 of the said City, intituled <sup>By-law 1194 confirmed.</sup> “A By-law to raise the sum of \$16,000 by way of debentures for the purpose of enabling the City to carry out its part of an agreement with Harry D. McKellar, and authorizing such agreement,” as set out in Schedule “A” hereto, is hereby declared to be and to have always been since the 16th day of July, 1912, a legal, valid and existing By-law of the said City and the debentures which have been or may hereafter be issued, thereunder shall, from the date of such issue be valid and binding upon the City Corporation and the ratepayers thereof.

(2) The Agreement set out in Schedule “A” hereto, and <sup>Agreement with H. D. McKellar confirmed.</sup> made between the said Harry D. McKellar of the one part and the Corporation of the City of Fort William of the other part is hereby declared to be, and to have always been, since the execution thereof, a legal, valid and binding agreement upon the said City and the said Harry D. McKellar respectively.

2.—(1) By-law Number 1195, of the said City, intituled <sup>By-law 1195 confirmed.</sup> “A by-law to raise the sum of \$16,000 for the purpose of enabling the City to carry out its part of an agreement with the Great West Wire Fence Company, Limited, and to authorize such agreement” as set out in Schedule “B” hereto, is hereby declared to be, and to have always been, since the 16th day of July, 1912, a legal, valid and existing By-law of the said City, and the debentures which have been or may hereafter

be issued thereunder shall, from the date of such issue, be valid and binding upon the City Corporation and the rate-payers thereof.

Agreement  
with Great  
West Wire  
Fence Co.  
confirmed.

(2) The agreement set out in Schedule "B" hereto, and made between the said Great West Wire Fence Company, of the one part and The Corporation of the City of Fort William of the other part is hereby declared to be, and to have always been, since the execution thereof, a legal, valid and binding agreement upon the said City and the said Company respectively.

By-law  
1196  
confirmed.

3.—(1) By-law Number 1196, of the said City, intituled "A By-law to raise the sum of \$57,000 by way of debentures for the purpose of enabling the City to carry out its part of an agreement with A. M. Nanton and authorizing such Agreement" as set out in Schedule "C" hereto, is hereby declared to be, and to have always been, since the 16th day of July, 1912, a legal, valid and existing By-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the City Corporation and the rate-payers thereof.

Agreement  
with A. M.  
Nanton  
confirmed.

(2) The agreements set out in Schedule "C" hereto, and made between the said A. M. Nanton, of the one part and The Corporation of the City of Fort William of the other part, are hereby declared to be, and to have always been, since the execution thereof, legal, valid and binding agreements upon the said City and the said A. M. Nanton, and upon the Fort William Starch Company, Limited, as assignee of the said A. M. Nanton, as in the said agreement provided.

By-law  
1197  
confirmed.

4.—(1) By-law Number 1197, of the said City, intituled "A By-law to raise the sum of \$250,000 by way of debentures for the purpose of enabling the City to carry out its part of the agreement hereinafter set forth with the Canadian Car and Foundry Company, Limited, and also to authorize the said agreement" as set forth in Schedule "D" hereto, is hereby declared to be, and to have always been, since the 16th day of July, 1912, a legal, valid and existing by-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the City Corporation and the rate-payers thereof.

Agreement  
with Cana-  
dian Car  
and Found-  
ry Co.  
confirmed.

(2) The agreement set out in Schedule "D" hereto, and made between the said Canadian Car and Foundry Company, Limited, of the one part and The Corporation of the City of Fort William of the other part, is hereby declared to be, and to have always been, since the execution thereof, a legal, valid and binding agreement upon the said City and the said Company respectively.

5.—(1) By-law Number 1239, of the said City, intituled <sup>By-law 1239 confirmed.</sup> “A By-law to raise the sum of \$50,000 by way of debentures for the purpose of enabling the City to carry out its part of an agreement with the Canadian Steel Foundries, Limited, and to authorize such agreement” set out in Schedule “E” hereto, is hereby declared to be, and to have always been, since the 14th day of January, 1913, a legal, valid and existing by-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the City Corporation and the ratepayers thereof.

(2) The agreement set out in Schedule “E” hereto, and made between the said Canadian Steel Foundries, Limited, of the one part, and the Corporation of the City of Fort William of the other part, is hereby declared to be, and to have always been, since the execution thereof, a legal, valid and binding agreement upon the said Company and the said City respectively. <sup>Agreement with Canadian Steel Foundries, Ltd., confirmed.</sup>

6.—(1) By-law Number 1240, of the said City, intituled <sup>By-law 1240 confirmed.</sup> “A By-law to authorize a certain agreement with Stanley Edward Elkin, of the Maritime Nail Company, Limited,” set out in Schedule “F” hereto, is hereby declared to be, and to have always been, since the 14th day of January, 1913, a legal, valid and existing by-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the City Corporation and the ratepayers thereof.

(2) The agreement set out in Schedule “F” hereto, and made between the said Stanley Edward Elkin, of the Maritime Nail Company, Limited, of the one part and the Corporation of the City of Fort William of the other part is hereby declared to be, and to have always been, since the execution thereof, a legal, valid and binding agreement upon the said Stanley Edward Elkin and the said City respectively. <sup>Agreement with S. E. Elkin confirmed.</sup>

7. The agreements set out in Schedules “G” and “H,” respectively, hereto, and made between the National Tube Company, Limited, of the one part and the Corporation of the City of Fort William of the other part, each dated the 2nd day of July, 1912, are hereby declared to be, and to have always been, since the execution thereof, legal, valid and binding agreements upon the said Company and the said City respectively. <sup>Agreement with National Tube Co., confirmed.</sup>

8. The Council of the said City may without obtaining the assent of the ratepayers thereto, amend any by-law heretofore passed by the said City for the purpose of installing an Incinerator Plant and acquiring a site therefor by increasing <sup>Power to increase rate of interest under certain by-law.</sup>

the rate of interest to five per centum per annum, payable half-yearly, making all other amendments consequent thereon.

Tax sales  
and deeds  
confirmed.

9.—(1) All sales of land, now situate within the limits of the Corporation of the City of Fort William, made prior to the thirty-first day of December, 1910, and which purported to have been made by the municipality in which same was then situate for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed by the proper officers of the municipality in which same were then situate, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser, or his assigns, and his and their heirs and assigns, in fee simple, free from and clear of and from all right, title, and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

Case of  
corporation  
purchasing.

(2) This section shall extend and apply to cases where the municipality in which such lands were situate, or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands.

Pending  
litigation  
not affected.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Authority  
to con-  
solidate  
certain de-  
benture  
debts at  
\$1,212,400

10.—(1) The Council of the Corporation is hereby authorized without the assent of the electors qualified to vote on money by-laws to pass a by-law of the Corporation consolidating into one issue of one million two hundred and twelve thousand four hundred (\$1,212,400.00) dollars, the amount of the debentures authorized by the by-laws specified in Schedule "I" hereto, and to authorize the issue of debentures of the Corporation to the amount of one million two hundred and twelve thousand four hundred dollars (\$1,212,400.00), payable in fifty (50) years from the first day of January, 1913, and bearing interest computed from that date, at a rate not exceeding the rate of five per centum per annum payable half-yearly.

Place of  
payment,  
and coupons.

(2) Such debentures may be expressed in sterling or currency, or in both, and may be payable at such place or places in Canada or elsewhere as may be designated therein, and

shall

shall have coupons for interest annexed, which shall be sufficient, if the signature of the treasurer be engraved or lithographed thereon.

(3) Such by-law need not recite the whole rateable property or the amount of the existing debenture debt of the municipality, nor any special rate to be raised annually for paying the debt and interest, but shall expressly provide for raising in each year during the currency of the debentures authorized the sum of seven thousand nine hundred and forty-one dollars and twenty-five cents (\$7,941.25), for the payment of such debentures, that sum being sufficient with the interest on the investment thereof, estimated at four per centum, to be capitalized yearly to discharge the debt created by the said debentures when payable.

Raising of  
sinking  
fund.

(4) From and after the passage of such by-law and the execution and issue of the debentures as thereby authorized and their deposit as herein provided for the Corporation shall levy yearly the respective sums thereby required to be raised to form a Sinking Fund for the payment of the principal of the said debentures, and shall cease to levy the several and respective sums required to be raised yearly by and under the by-laws specified in Schedule "I" hereto, for the purpose of forming Sinking Funds for the payment of the principal of the debentures issued under such by-laws respectively.

Corpora-  
tion not  
required to  
raise sink-  
ing funds  
under con-  
solidated  
by-laws.

(5) The Corporation shall continue to levy yearly the respective amounts required to pay the interest on the debentures issued under the by-laws specified in Schedule "I" hereto, or on such of the said debentures as may be from time to time outstanding, and as and when any of the debentures issued under such specified by-laws are paid or exchanged as herein provided, and then only the Corporation shall yearly levy for interest under the consolidating by-law a sum equal to the interest at the rate mentioned in the consolidating by-law on an amount equal to the amount of the debentures issued under such specified by-laws, which shall from time to time have been paid or exchanged.

Levy for  
interest  
under con-  
solidated  
by-laws.

(6) The debentures to be issued under the said consolidating by-law shall be executed and deposited with the National Trust Company, Limited, to hold the same on trust, to deliver the same, or any of them on the written order of the Mayor and Treasurer of the said City, for the purpose of being used in payment of or in exchange for a like amount of debentures issued under any of the by-laws specified in

Debentures  
to be de-  
posited  
with  
National  
Trust Co.

Schedule "I" hereto, which shall thereupon be delivered to National Trust Company, Limited, and cancelled.

Application  
of existing  
sinking  
funds.

(7) The Corporation shall continue to invest the funds now on hand for Sinking Fund in accordance with the provisions of *The Municipal Act*, and on the maturity of the debentures issued under the respective by-laws mentioned in Schedule "I," shall apply so much of such sinking fund as appertains to such by-laws respectively, in or towards payment of the debentures issued thereunder respectively.

Statement  
to be given  
to Trust  
Co. of  
application  
of sinking  
fund.

(8) The Corporation shall furnish to National Trust Company, Limited, or the trustee for the time being holding the consolidated debentures authorized by this Act, a statement of the amount of sinking fund so applied, duly verified by the declaration of the City Treasurer and the certificate of the Mayor, and the trustee shall cancel an amount of the consolidated debentures equal to the amount of such sinking fund so applied, in payment of debentures maturing or matured, and the levy of any sum for Sinking Fund or for interest in respect of the debentures so cancelled shall thereupon cease.

Recitals  
as to  
debenture  
debt.

(9) In any by-law to be hereafter passed authorizing the issue of debentures the amount of the debenture debt to be recited, need not include the debentures to the amount of \$1,212,400, hereinbefore mentioned, or so much thereof as may be unpaid, nor the amount of debentures issued under such consolidating by-law, which may have been sold or exchanged or so much thereof as having been sold or exchanged may remain unpaid.

Payment of  
sinking  
fund to  
treasurer  
of Ontario.

(10) The annual sum required to be levied for sinking fund under the consolidating by-law to be passed as hereby authorized shall be paid by the Treasurer of the City to the Treasurer of the Province of Ontario, so long as interest thereon at the rate of four per centum per annum, compounded yearly, is allowed thereon.

Short  
title.

**11.** This Act may be cited as *The City of Fort William Act, 1918*.



## SCHEDULE "A."

## CITY OF FORT WILLIAM.

## BY-LAW No. 1194.

A by-law to raise the sum of \$16,000 by way of debentures for the purpose of enabling the city to carry out its part of an Agreement with Harry D. McKellar, and authorizing such Agreement.

Whereas the Council of the said City deem it desirable that the City should enter into the Agreement set forth as Schedule "A" hereto with Harry D. McKellar;

And whereas in order to enable the City to carry out its part of such Agreement it will require the City to raise the sum of \$16,000.00.

And whereas the said sum of \$16,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is \$15,720,820.50, plus a sufficient further amount to produce \$30,000.00 in taxes in each year, such said sum of \$30,000.00 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$3,195,100.81, made up as follows:—

Street Railway Debenture Debt .....	\$505,000.00
Waterworks Debenture Debt .....	877,432.57
Electric Light Debenture Debt .....	\$211,366.11
Telephone Debenture Debt .....	\$199,000.00
General Debenture Debt .....	\$1,130,369.55
School Debenture Debt .....	\$271,932.58

of which no part of the principal or interest is in arrear, for the payment of which a sinking fund of \$531,819.06 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$16,000.00, bearing interest at four and one-half (4½) per centum per annum;

And whereas it will require the sum of \$720.00 to be raised annually for a period of twenty years (the currency of the debentures to be issued under and by virtue of this By-Law) to pay the interest on the said debt, and the sum of \$595.45 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$1,315.45 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,315.45 to be raised annually for a period of twenty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid;

Therefore



Therefore the Corporation of the City of Fort William enacts as follows:—

1. The Corporation of the City of Fort William may make and enter into an agreement with Harry D. McKellar to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk of the said City, for the time being, may sign, seal with the Corporate Seal, execute and deliver such agreement on behalf of The Corporation of the City of Fort William.

2. The Corporation of the City of Fort William may borrow the said sum of \$16,000.00 on the credit of the said Corporation for the purposes aforesaid and may issue debentures of the said Corporation to the extent of \$16,000.00 either in currency or sterling money, in sums of not less than \$100 Canadian currency, or £20 sterling, each payable within twenty years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum payable half-yearly.

3. The said debentures shall bear date as of the day of issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

4. During the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments the said sum of \$720.00 to pay the interest on the said debentures and also the further sum of \$595.45 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$1,315.45 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

6. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

7. This By-law shall come into force on the day of the final passing thereof.

8. That the votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Wednesday, the 10th day of July, 1912, commencing at the hour of 9 o'clock in the forenoon and closing at the hour of 5 o'clock in the afternoon of the same day, as follows:

#### WARD 1.

Polling Division No. 1, at 514 McIntosh Street, with P. L. Gavin as Deputy Returning Officer, and A. Abdou as Poll Clerk.

Polling Division No. 2, at 612 McTavish Street, with Frank M. Ross as Deputy Returning Officer and J. Tiboni as Poll Clerk.

Polling Division No. 3, at 600 Simpson Street, with Gilbert Hartley as Deputy Returning Officer and Fred Hartley as Poll Clerk.

Polling

Polling Division No. 4, at 538 Simpson Street, with John Cooper as Deputy Returning Officer and J. Cooper, Jr., as Poll Clerk.

Polling Division No. 5, at Drew Street School, with W. H. Morrell as Deputy Returning Officer and P. Gibbons as Poll Clerk.

#### WARD 2.

Polling Division No. 1, at Lebland's Store, corner of Bethune and Hardisty Streets, with John Murie as Deputy Returning Officer and J. Antrobus as Poll Clerk.

Polling Division No. 2, at the Avenue Hotel Sample Rooms, with J. Davis as Deputy Returning Officer and A. D. Smith as Poll Clerk.

Polling Division No. 3, at the City Hall, with R. H. Neeland as Deputy Returning Officer and J. Thompson as Poll Clerk.

Polling Division No. 4, at Whitehead Bros.' Office, corner of Myles and May Streets, with C. McKenzie as Deputy Returning Officer and J. Quinn as Poll Clerk.

Polling Division No. 5, at No. 212 N. Harold Street, with F. Moran as Deputy Returning Officer and D. McKay as Poll Clerk.

Polling Division No. 6, at 1121 Victoria Avenue, with James Hall as Deputy Returning Officer and James McLeod as Poll Clerk.

#### WARD 3.

Polling Division No. 1, at Costello's Store, No. 586 Syndicate Avenue, with W. Houston as Deputy Returning Officer and R. Kirkup as Poll Clerk.

Polling Division No. 2, at George Coates' Shop, on Marks Street, with J. R. Wells as Deputy Returning Officer and W. Pappin as Poll Clerk.

Polling Division No. 3, at Mrs. Gardner's Restaurant, with C. Mores as Deputy Returning Officer and T. Lumby as Poll Clerk.

#### WARD 4.

Polling Division No. 1, at the Coalette Co. Office, 521 Mary Street, with W. H. Bloomfield as Deputy Returning Officer and J. Bloomfield as Poll Clerk.

Polling Division No. 2, at the Mount McKay Club, with Geo. Neal as Deputy Returning Officer and R. Postans as Poll Clerk.

Polling Division No. 3, at Garrity & Ferguson's Office, corner of Frederica and Brown Streets, with G. W. Game as Deputy Returning Officer and M. Ferguson as Poll Clerk.

Polling Division No. 4, at the Ruthenian Hall, 905 Superior Street, with T. Manion as Deputy Returning Officer and L. Manion as Poll Clerk.

9. That on Saturday, the 6th day of July, 1912, at the hour of 10 o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Saturday, the 13th day of July, 1912, at the hour of 10 o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the City of Fort William, as witnessed by the hands of its Mayor and Clerk this 16th day of July, A.D. 1912.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

[Seal.]

(Sgd.) Per GEO. A. GRAHAM,  
*Mayor.*

Per A. McNAUGHTON,  
*Clerk.*  
A. McNAUGHTON,  
*City Clerk.*

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SCHEDULE "A."

To BY-LAW No. 1194.

Memorandum of Agreement made in quadruplicate this 8th day of June, 1912;

Between:

Harry D. McKellar of the City of Berlin in the Province of Ontario, Manufacturer (hereinafter called the "Grantor") of the first part;

and

The Corporation of the City of Fort William (hereinafter called the "City"), of the second part;

Whereby the Grantor and the City mutually covenant, promise and agree each with the other as follows:—

1. The Grantor shall proceed forthwith to incorporate a Company with either a Dominion or a Provincial Charter for the purpose of manufacturing in the City of Fort William, among other things, bedding, pillows, comforters, wood and iron beds.

2. The Company to be incorporated as aforesaid is to have its Head Office and manufacturing and producing works at the City of Fort William and will carry on all its business from the City of Fort William.

3. The said Company shall forthwith upon the ratepayers of this City approving this agreement acquire a site in fee simple in the City of Fort William costing not less than \$15,000, and shall proceed forthwith upon such approval being obtained to erect a plant, works and equipment thereon for the purpose of manufacturing the articles hereinbefore mentioned, at a cost of not less than seventy-five thousand dollars (\$75,000) (excluding the cost of the site).

4. The said Company is to have the said plant and works fully completed ready to commence manufacturing operations within six months from the date of such approval, provided, however, that if the Company is delayed in building such plant and works by reason of strikes, accidents and other causes beyond its control, the time so lost shall be added to the period hereinbefore fixed for completion.

5. After the said plant and works are completed and ready for operation as aforesaid, the said Company shall during the succeeding ten years operate the said plant and works as follows, namely:—

- (a) During the first year so as to have employed and engaged in such manufacturing operations a sufficient number of employees for a sufficient number of days to, at least, equal sixty employees for 250 working days each;
- (b) During the second year so as to have employed and engaged in such manufacturing operations a sufficient number of employees for a sufficient number of days to equal, at least, eighty employees for 250 working days each; and
- (c) During each of the succeeding eight years to have employed and engaged in such manufacturing operations a sufficient number of employees for a sufficient number of days to equal one hundred employees for 250 working days each.

6. Upon the completion of the erection of the said plant and works, and the commencement of manufacturing operations thereof as aforesaid, with raw material to value of \$25,000 on the site, the City will pay to the said Company the sum of \$15,000.

7. That all fire insurance placed or held by the said Company upon any of its property in the City of Fort William, shall, during the currency hereof, be placed with or through local Fire Insurance Agents residing and carrying on business in the City of Fort William aforesaid, provided such insurance can be placed at equally good rates with outside quotations.

8. That all men employed by the said Company in or about the said works or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works shall be paid in cash in the said City of Fort William or by cheque on some bank in the City of Fort William.

9. That all men employed by the said Company or employed by any contractor or sub-contractor, or otherwise, in the erection or operation of such plant and works, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid semi-monthly.

10. That the pay roll and books of the said Company relating to employees and their wages shall be open for inspection by the City of Fort William from time to time during the currency hereof, the said inspection to be made through a duly chartered Accountant appointed by the Council, which inspection may be made at reasonable hours, and if so required, the said Company shall from time to time during the said term satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

11. The City will and doth hereby exempt all the property of the said Company in the City of Fort William, which shall be used in connection with and solely for the purpose of such manufacture, including the raw materials to be used therein and the products thereof, from all general municipal taxation of the City excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals, for so long of the period of ten years commencing with the year 1913 as the said Company shall fully comply with the terms and conditions of this agreement as herein set forth; provided, however, that no dwelling houses, which may be situated upon the lands exempt hereby or

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the land occupied by such dwelling houses, while so occupied, shall be included in such exemption.

12. Time shall be of the essence of this agreement.

13. This agreement shall not come into force or effect until approved by the ratepayers of the said city (and validated if necessary) and until and unless so approved (and validated if necessary) shall have no force or effect.

14. As soon as the said Company is incorporated, the City will enter into a similar agreement with such Company in lieu of this agreement and which new agreement when executed shall *ipso facto* rescind this agreement.

15. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the said Company and the City respectively.

In witness whereof the Corporate Seal of the said City and the hands of its proper officers in that behalf, and the hand and seal of the Grantor this 8th day of June, 1912.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

[Seal.]

(Sgd.) Per GEO. A. GRAHAM,  
Mayor.

Per A. McNAUGHTON,  
Clerk.

Signed, Sealed and delivered in the presence of:

(Sgd.) F. R. MORRIS.

## SCHEDULE "B."

CITY OF FORT WILLIAM.

By-LAW No. 1195.

A By-law to raise the sum of \$16,000 for the purpose of enabling the City to carry out its part of an agreement with the Great West Wire Fence Company, Limited, and to authorize such agreement.

Whereas the Council of the Corporation of the City of Fort William deem it expedient to enter into the agreement hereinafter mentioned with the said Company.

And whereas it will require the City to raise the sum of \$16,000.00 in order for the said City to carry out its part of such agreement:

And whereas the said sum of \$16,000.00 is the amount of the debt intended to be created hereby:

And whereas the amount of the whole rateable property of the said City of Fort William according to the last revised Assessment Roll is \$15,720,820.50 plus a sufficient further amount to pro-

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duce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation:

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$3,195,100.81, made up as follows:—

Street Railway Debenture Debt .....	\$505,000.00
Waterworks Debenture Debt .....	\$877,432.57
Electric Light Debenture Debt .....	\$211,366.11
Telephone Debenture Debt .....	\$199,000.00
General Debenture Debt .....	\$1,130,369.55
School Debenture Debt .....	\$271,932.58

of which no part of the principal or interest is in arrear for the payment of which a sinking fund of \$531,819.06 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$16,000.00, bearing interest at four and one-half ( $4\frac{1}{2}$ ) per centum per annum;

And whereas it will require the sum of \$720.00 to be raised annually for a period of Twenty years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$595.45 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$1,315.45 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,315.45 to be raised annually for a period of Twenty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid.

Therefore the Corporation of the City of Fort William, enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an agreement with The Great West Wire Fence Company Limited, to the effect set forth in schedule "A" hereto, and the Mayor and Clerk of the said City, for the time being, may sign, seal with the Corporate Seal, execute and deliver such agreement on behalf of the Corporation of the City of Fort William.

2. It shall and may be lawful for the said Corporation, and it is hereby empowered to borrow the said sum of \$16,000.00, on the credit of the said Corporation for the purpose aforesaid and to issue debentures of the said Corporation to the extent of \$16,000.00 either in currency or sterling money, in sums of not less than \$100 Canadian currency or £20 sterling, each payable within Twenty years from the date of issuing such debentures, and to bear interest at four and one half per centum per annum, payable half yearly.

3. The said debentures shall bear date as of the day of the issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

4. During the said period of Twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of

\$720.00, to pay interest on the said debentures and also the further sum of \$595.45 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$1,315.45 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London England.

6. Every debenture to be issued hereunder shall contain a provision in the following words, "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William, or to like effect.

7. This By-law shall come into force and effect on the day of the final passing thereof.

8. That the votes of the electors of the said Municipality entitled to vote on this by-law shall be taken on Wednesday, the 10th day of July, 1912, commencing at the hour of Nine o'clock in the forenoon and closing at the hour of Five o'clock in the afternoon of the same day, as follows:—

#### WARD 1.

Polling Division No. 1 at 514 McIntosh Street, with P. L. Gavin as Deputy Returning Officer, and A. Abdou as Poll Clerk.

Polling Division No. 2, at 612 McTavish Street, with Frank M. Ross as Deputy Returning Officer and J. Tiboni as Poll Clerk.

Polling Division No. 3, at 600 Simpson Street, with Gilbert Hartley as Deputy Returning Officer and Fred Hartley as Poll Clerk.

Polling Division No. 4, at 538 Simpson Street, with John Cooper as Deputy Returning Officer and J. Cooper, Jr., as Poll Clerk.

Polling Division No. 5, at Drew Street School, with W. H. Morrell as Deputy Returning Officer and P. Gibbons as Poll Clerk.

#### WARD 2.

Polling Division No. 1 at Leblond's Store, corner of Bethune and Hardisty Streets, with John Murie as Deputy Returning Officer and J. Antrobus as Poll Clerk.

Polling Division No. 2, at the Avenue Hotel Sample Rooms, with J. Davis as Deputy Returning Officer and A. D. Smith as Poll Clerk.

Polling Division No. 3, at the City Hall, with R. H. Neeland as Deputy Returning Officer and J. Thompson as Poll Clerk.

Polling Division No. 4, at Whitehead Bros.' Office, corner of Myles and May Streets, with C. McKenzie as Deputy Returning Officer and J. Quinn as Poll Clerk.

Polling Division No. 5, at No. 212 N. Harold Street, with F. Moran as Deputy Returning Officer and D. McKay as Poll Clerk.



Polling Division No. 6, at 1121 Victoria Avenue, with James Hall as Deputy Returning Officer and James McLeod as Poll Clerk.

WARD 3.

Polling Division No. 1, at Costello's Store, No. 586 Syndicate Avenue, with W. Houston as Deputy Returning Officer and R. Kirkup as Poll Clerk.

Polling Division No. 2, at George Coates' Shop, on Marks Street, with J. R. Wells as Deputy Returning Officer and W. Pappin as Poll Clerk.

Polling Division No. 3, at Mrs. Gardner's Restaurant, with C. Mores as Deputy Returning Officer and T. Lumby as Poll Clerk.

WARD 4.

Polling Division No. 1, at the Coalette Co. office, 521 Mary Street with W. H. Bloomfield as Deputy Returning Officer and J. Bloomfield as Poll Clerk.

Polling Division No. 2, at the Mount McKay Club, with Geo. Neal as Deputy Returning Officer and R. Postans as Poll Clerk.

Polling Division No. 3, at Garrity & Ferguson's Office, corner of Frederica and Brown Streets, with G. W. Game as Deputy Returning Officer and M. Ferguson as Poll Clerk.

Polling Division No. 4, at the Ruthenian Hall, 905 Superior Street, with T. Manion as Deputy Returning Officer and L. Manion as Poll Clerk.

9. That on Saturday, the 6th day of July, 1912, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Saturday, the 13th day of July, 1912, at the hour of 10 o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the Corporate Seal of the City of Fort William as witnessed by the hand of its Mayor and Clerk, this 16th day of July, A.D. 1912.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

(Seal)

T. A. GRAHAM,  
*Mayor.*

A. McNAUGHTON,  
*Clerk.*

SCHEDULE

## SCHEDULE "A."

To By-law No. 1195.

Memorandum of Agreement made in quadruplicate, this Tenth day of June A.D. 1912:

Between

The Great West Wire Fence Company Limited of the City of Winnipeg in the Province of Manitoba (hereinafter called the "Company"), of the first part,

and

The Corporation of the City of Fort William (hereinafter called the "City"), of the second part:

Whereby the Company and the City mutually covenant, promise and agree each with the other as follows:—

1. The Company is to have its Head Office for Ontario and manufacturing and producing works at the City of Fort William and will carry on all its business in connection therewith from the City of Fort William.

2. Such Company is to acquire a site for such manufacturing in the City of Fort William costing not less than \$50,000, and is to proceed forthwith after this agreement has been approved by the ratepayers of the said City to erect plant and works thereon for the purpose of manufacturing wire fencing at a cost of not less than \$100,000 (exclusive of the cost of the site) and such Company is to have the same fully completed within 18 months from the date of obtaining such approval.

3. Such Company is to commence to operate such manufacturing plant and works within 18 months from the date of such approval and thereafter is to operate such manufacturing plant and works so as to have employed and engaged in such manufacturing during each and every year after the commencement of operations for a period of Ten years a sufficient number of men for a sufficient number of days to equal in each year of such period not less than fifty men for 250 days each.

4. Upon the completion of the said manufacturing plant and works as aforesaid and the expenditure of \$100,000 (exclusive of the cost of the site) in and towards the erection of plant and works for such manufacturing, and the commencement of operations thereof the City will pay to the said Company the sum of \$15,000.

5. That all fire insurance placed or held by the said Company upon any of its property in the City of Fort William shall, during the currency hereof, be placed with or through the local Fire Insurance Agents residing and carrying on business in the City of Fort William provided such insurance can be placed at equally good rates with outside quotations.

6. That all men employed by the said Company or employed in or about the said works or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William or by cheque on some Bank in the City of Fort William.

7. That all men employed by the said Company or employed by any contractor or sub-contractor, or otherwise in the erection or operation

operation of such plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid semi-monthly.

8. That the pay roll of the said Company and the Books of the said Company shall be open for inspection by the City of Fort William from time to time during the currency hereof, the said inspection to be made through a duly chartered Accountant appointed by the Council, which inspection may be made at reasonable hours, and if so required, the said Company shall from time to time during the said term satisfy the City by Declaration or Affidavit that they have complied with the provisions hereof.

9. The City will and doth hereby exempt all the property of the said Company in the City of Fort William which shall be used in connection with and solely for the purpose of such manufacture, including the raw materials to be used therein, and the products thereof, from all general municipal taxation of the City excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals, for so long of the period of Ten years commencing with the year 1913, as the said Company shall fully comply with the terms and conditions of this agreement as herein set forth; provided, however, that no dwelling houses which may be situated upon the lands exempt hereby, nor the land occupied by such dwelling house, while so occupied, shall be included in such exemption, and provided, further that this exemption does not cover or extend to any land, building or erection, other than what are used solely for the purpose of the manufacturing of wire fencing and other articles.

10. Time shall be the essence of this agreement.

11. This agreement shall not come into force or effect until approved by the ratepayers of the said City (and validated if necessary and until and unless so approved (and validated if necessary) shall have no force or effect.

12. This agreement shall be binding upon and inure to the benefit of the successors, and assigns of the Company and the City respectively.

In witness whereof the Corporate Seal of the said City and the Company and the hands of their proper Officers in that behalf.

Signed, Sealed and Delivered in the presence of:

THE CORPORATION OF THE CITY OF FORT WILLIAM.

(Sgd.) Per GEO. A. GRAHAM,  
(Seal) *Mayor.*

(Sgd.) Per A. McNAUGHTON,  
*Clerk.*

The Great West Wire Fence Co., Limited.

(Sgd.) Per THOMAS. BLACK,  
*President.*

A. McNAUGHTON,  
*City Clerk.*

SCHEDULE

## SCHEDULE "C."

## CITY OF FORT WILLIAM.

## BY-LAW No. 1196.

"A By-law to raise the sum of \$57,000 by way of debentures for the purpose of enabling the City to carry out its part of an agreement with A. M. Nanton and authorizing such agreement."

Whereas the Council of the City deem it desirable and expedient that the City should enter into an agreement with A. M. Nanton as set forth in schedule "A" hereto;

And whereas it will require in order to enable the City to carry out its part of such agreement the sum of \$57,000.00, including the cost of submitting this by-law and printing and selling the debentures to be issued hereunder, to be raised therefor;

And whereas the said sum of \$57,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William according to the last revised Assessment Roll is \$15,720,820.50 plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation:

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$3,195,100.81, made up as follows:—

Street Railway Debenture Debt .....	\$505,000.00
Waterworks Debenture Debt .....	\$877,432.57
Electric Light Debenture Debt .....	\$211,366.11
Telephone Debenture Debt .....	\$199,000.00
General Debenture Debt .....	\$1,130,369.55
School Debenture Debt .....	\$271,932.58

of which no part of the principal or interest is in arrear for the payment of which a sinking fund of \$531,819.06 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$57,000.00, bearing interest at four and one-half (4½) per centum per annum;

And whereas it will require the sum of \$2,565.00 to be raised annually for a period of twenty years (the currency of the debentures to be issued under and by virtue of this By-Law) to pay the interest on the said debt, and the sum of \$2,121.29 to be raised annually during the said period for the payment of the said debt intended to be created by this By-Law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$4,686.29 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$4,686.29 to be raised annually for a period of Twenty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid.

Therefore

Therefore the Corporation of the City of Fort William, enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an agreement with A. M. Nanton to the effect set forth in schedule "A" hereto, and the Mayor and Clerk of the said City, for the time being, may sign, seal with the Corporate Seal, execute and deliver such agreement on behalf of The Corporation of the City of Fort William.

2. The Corporation of the City of Fort William may borrow the said sum of \$57,000.00 on the credit of the said Corporation for the purpose aforesaid and may issue debentures of the said Corporation to the extent of \$57,000.00 either in currency or sterling money, in sums of not less than \$100 Canadian currency or £20 sterling, each payable within twenty years from the date of issuing such debentures, and to bear interest at four and one half per centum per annum, payable half yearly.

3. The said debentures shall bear date as of the day of the issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

4. During the said period of twenty years. (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of \$2,565.00, to pay interest on the said debentures and also the further sum of \$2,121.29 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$4,686.29 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

6. Every debenture to be issued hereunder shall contain a provision in the following words, "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William or to like effect."

7. This By-law shall come into force and effect on the day of the final passing thereof.

8. That the votes of the electors of the said Municipality entitled to vote on this by-law shall be taken on Wednesday, the 10th day of July, 1912, commencing at the hour of Nine o'clock in the forenoon and closing at the hour of Five o'clock in the afternoon of the same day, as follows:

#### WARD 1.

Polling Division No. 1, at 514 McIntosh Street, with P. L. Gavin as Deputy Returning Officer, and A. Abdou as Poll Clerk.

Polling

Polling Division No. 2, at 612 McTavish Street, with Frank M. Ross as Deputy Returning Officer and J. Tiboni as Poll Clerk.

Polling Division No. 3, at 600 Simpson Street, with Gilbert Hartley as Deputy Returning Officer and Fred Hartley as Poll Clerk.

Polling Division No. 4, at 538 Simpson Street, with John Cooper as Deputy Returning Officer and J. Cooper, Jr., as Poll Clerk.

Polling Division No. 5, at Drew Street School, with W. H. Morrell as Deputy Returning officer and P. Gibbons as Poll Clerk.

#### WARD 2.

Polling Division No. 1, at Lebland's Store, corner of Bethune and Hardisty Streets, with John Murie as Deputy Returning Officer and J. Antrobus as Poll Clerk.

Polling Division No. 2, at the Avenue Hotel Sample Rooms, with J. Davis as Deputy Returning Officer and A. D. Smith as Poll Clerk.

Polling Division No. 3, at the City Hall, with R. H. Neeland as Deputy Returning Officer and J. Thompson as Poll Clerk.

Polling Division No. 4, at Whitehead Bros.' Office, corner of Myles and May Streets, with C. McKenzie as Deputy Returning Officer and J. Quinn as Poll Clerk.

Polling Division No. 5, at No. 212 N. Harold Street, with F. Moran as Deputy Returning Officer and D. McKay as Poll Clerk.

Polling Division No. 6, at 1121 Victoria Avenue, with James Hall as Deputy Returning Officer and James McLeod as Poll Clerk.

#### WARD 3.

Polling Division No. 1, at Costello's Store, No. 586 Syndicate Avenue, with W. Houston as Deputy Returning Officer and R. Kirkup as Poll Clerk.

Polling Division No. 2, at George Coates' Shop, on Marks Street, with J. R. Wells as Deputy Returning Officer and W. Pappin as Poll Clerk.

Polling Division No. 3, at Mrs. Gardner's Restaurant, with C. Mores as Deputy Returning Officer and T. Lumby as Poll Clerk.

#### WARD 4.

Polling Division No. 1, at the Coalette Co. Office, 521 Mary Street, with W. H. Bloomfield as Deputy Returning Officer and J. Bloomfield as Poll Clerk.

Polling Division No. 2, at the Mount McKay Club, with Geo. Neal as Deputy Returning Officer and R. Postans as Poll Clerk.

Polling Division No. 3, at Garrity & Ferguson's Office, corner of Frederica and Brown Streets, with G. W. Game as Deputy Returning Officer and M. Ferguson as Poll Clerk.

Polling Division No. 4, at the Ruthenian Hall, 905 Superior Street, with T. Manion as Deputy Returning officer and L. Manion as Poll Clerk.

9. That on Saturday, the 6th day of July, 1912, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Saturday, the 13th day of July, 1912, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the Corporate Seal of the City of Fort William as witnessed by the hands of its Mayor and Clerk, this 16th day of July, A.D. 1912.

#### THE CORPORATION OF THE CITY OF FORT WILLIAM.

[Seal.]

(Sgd.) Per GEO. A. GRAHAM,  
*Mayor.*

(Sgd.) Per. A. McNAUGHTON,  
*Clerk.*

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#### SCHEDULE "A."

To BY-LAW No. 1196.

Memorandum of Agreement made in duplicate this Seventh day of June, 1912.

Between

The Corporation of the City of Fort William (hereinafter called "The City"), of the first part,

and

Augustus Meredith Nanton, of the City of Winnipeg, in the Province of Manitoba, Broker, of the second part.

Whereby



Whereby the City and the party of the second part mutually covenant, promise and agree each with the other of them as follows:

1. The party of the second part is to have his office, manufacturing and producing works for carrying on the business hereinafter described West of Lake Superior, in the City of Fort William.

2. The party of the second part is to proceed to erect on the site hereinafter mentioned an elevator for the storage of grain, and the necessary plant, works and equipment for the purpose of carrying on a general manufacturing business, among other things, starch and glucose, and costing not less than \$350,000, such plant, works and equipment to be ready for operation within eighteen months after the ratification of this agreement by the ratepayers of the City; provided, however, that if the party of the second part is delayed by fire, accidents, strikes or other matters beyond his control, the time so lost shall be added to the eighteen months fixed as aforesaid for commencement of operation.

3. The party of the second part is to forthwith on the execution hereof deposit with the City the sum of \$10,000 as a guarantee of the due performance of Clause 2 hereof, which deposit shall only be returned to the party of the second part upon the due compliance by him with the provisions of Clause 2 hereof and not otherwise; and in case the party of the second part becomes entitled to such deposit hereunder, he shall also be entitled to interest thereon from the date of payment thereof to the City at 6 p.c. per annum until the date of return thereof. Such sum and interest shall be repayable to the party of the second part when he shall have furnished the City with a Statutory Declaration that Clause 2 hereof has been complied with and that the said proposed plant is in operation.

4. The City is to acquire a portion of Lots 6 and 7 in Concession D. of the Township of Neebing Additional, on Island No. 2 now in the City of Fort William containing 16.65 acres more or less as shown on the plan or sketch attached hereto, and the party of the Second Part is to be allowed to erect the said elevator, plant and works thereon and the City shall convey or cause the said lands to be conveyed and assure unto the party of the second part, his executors, administrators and assigns, free from all encumbrances, but subject to the track reserve as shown on said Plan by Deed, which shall, on the ratification of this agreement by the ratepayers of the City, be forthwith deposited in escrow with a chartered bank doing business in the City of Fort William to be delivered to the said party of the second part on the completion of the erection of the said plant, works and equipment in accordance herewith and not otherwise.

5. The City further guarantees to extend its water mains to Island No. 2, such extension to be carried to the property lines of the party of the second part. The City water extension to be built and a supply of water available on or before the date that the party of the second part is ready to begin manufacturing operations; and the City agrees to supply, if the party of the second part so desires, his total water requirements for all purposes at a rate which shall not exceed four cents per thousand gallons.

6. The party of the second part is to operate such plant, works and equipment for a period of ten years, and a further period of ten years thereafter, provided the City fixes in proper legal form the assessment of the party of the second party as set forth in the latter part of the paragraph 11 hereof, so as to have employed and engaged within one year from the commencement of operation thereof not

less than one hundred and fifty employees, and thereafter the said party of the second part is to operate the said plant, works and equipment so as to employ and keep employed in connection therewith in the said City during each of the said twenty years thereafter, subject to the said proviso, a sufficient number of employees for a sufficient number of days to equal one hundred and fifty employees for two hundred days at least, unless prevented by fire, strikes or accidents. In default of the party of the second part so operating and employing such number of men or the equivalent thereof in any year during the said twenty years, the party of the second part shall not for that year be entitled to the exemption from taxation hereinafter provided for.

7. That all fire insurance placed or held by the party of the second part upon any of his property situated in the City of Fort William shall, during the currency hereof, be placed with or through the local fire insurance agents residing and carrying on business at the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations, and with companies of assured standing.

8. That all men employed by the said party of the second part in or about the said works or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William, or by cheque on some bank in the said City of Fort William.

9. That all men employed by the party of the second part in or about the said works, or employed by any contractor or sub-contractor, or otherwise, in the erection or operation of such elevator plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid semi-monthly.

10. The pay-roll of the party of the second part shall be open for inspection by the City during the currency hereof upon resolution of the City Council and such inspection shall be made through a duly chartered accountant appointed by the Council, and shall be made at reasonable hours, and if required the party of the second part shall from time to time furnish the City declaratory evidence that he has complied with the provisions hereof.

11. The City will and doth hereby fix the assessment, of every kind and nature whatsoever, including business assessment, of the said lands and buildings and all the property of the party of the second part on said lands in the City of Fort William, used in connection with his said manufacturing business, including the raw material to be used therein and the products thereof from taxation for all purposes excepting school, public library, parks, hospitals and local improvement rates and taxes, at the sum of \$50,000.00 for so long of a period of ten years, commencing with the year 1914, as the party of the second part shall fully comply with the terms and conditions of this agreement as herein set forth and the city agrees that it will fix the said assessment on said property upon the same terms and conditions as herein set forth at the sum of \$100,000 for a further period of ten years, commencing with the year 1924, subject to the assent of the ratepayers of said City as required by the Municipal Act.

The understanding being that there shall be no fixed assessment for, nor any exemption from school, public library, parks, hospitals and local improvement rates or taxes.

It is further distinctly understood and agreed that the above fixed assessment shall not include any dwelling houses or stores, or buildings occupied as such.

12. Time will be of the essence of this agreement.

13. This agreement shall not come into force or effect until approved by the ratepayers of the city.

14. The City covenant and agree to join with the party of the second part in an application to the Legislature of the Province of Ontario at its next session for the ratification of this agreement and the By-law approving thereof.

15. On the assignment of this contract by the party of the second part to a Company, such Company shall take the place of and be substituted for the party of the second part under this contract; and this agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto respectively.

In witness whereof the Corporate Seal of the City, under the hands of its proper officers in that behalf, and the seal of the party of the second part have been affixed hereto.

Signed, Sealed and Delivered in the presence of

[Seal.]

GEO. A. GRAHAM,  
*Mayor.*

A. McNAUGHTON,  
*Clerk.*

GEO. LUCKHURST, as to the signature of  
A. M. Nanton.

A. M. NANTON.

This Agreement made in duplicate, this 26th day of June, 1912  
Between

The Corporation of the City of Fort William (hereinafter called  
"The City") of the First Part,

and

Augustus Meredith Nanton, of the City of Winnipeg, in the  
Province of Manitoba, Broker, of the Second Part.

Whereas the parties hereto are proposing to enter into an Agreement which has already been executed by the Party of the Second Part, bearing date the 7th day of June, 1912, relating to the erection of an Elevator for the storage of grain and the necessary plant, works and equipment for the purpose of carrying on a general manufacturing business, among other things, starch and glues, at the City of Fort William, and for the conveyance by the City of certain lands therein mentioned to the Party of the Second Part on the terms and conditions in said proposed contract, set forth;

And

And whereas in said contract it is provided, among other things, that the City agrees to supply, if the Party of the Second Part so desires, his total water requirements for all purposes at a rate which shall not exceed four cents per thousand gallons;

And whereas a by-law sanctioning and approving of the said Agreement is now being submitted to the ratepayers of the said City;

And whereas it has been agreed between the Parties that the said water rate should be modified as hereinafter set forth;

Now therefore the parties hereto agree with each other as follows, viz.:—

(1) That if the said Agreement of 7th of June, 1912, shall be approved by the necessary majority of the ratepayers of the said City, and is executed by the City, notwithstanding the terms of the said Agreement, Clause 5 of the said Agreement shall be thereupon rescinded and the following substituted therefor, and binding upon both parties hereto; viz:—

"5. The City further guarantees to extend its water mains to Island No. 2, such extension to be carried to the property lines of the Party of the Second Part. The City water extension to be built and a supply of water available on or before the date that the Party of the Second Part is ready to begin manufacturing operations; and the City agrees to supply to the Party of the Second Part, if the Party of the Second Part so desires, so much water as the Party of the Second Part may require for such purposes at rates not exceeding the most favorable rates at present charged to any other consumer of the same quantity in the City's scale of water rates, it being agreed also that the Party of the Second Part shall have the benefit of any future reduction made by the City in water rates from time to time."

(2) On the assignment of this contract by the Party of the Second Part to a Company, such Company shall take the place of and be substituted for the Party of the Second Part under this contract; and this Agreement shall be binding on and enure for the benefit of the heirs, executors, administrators and assigns of the Party of the Second Part and the successors and assigns of the Party of the First Part.

In Witness whereof the Party of the First Part has executed this Agreement under its Corporate seal and the signatures of its proper officers, and the Party of the Second Part has executed this Agreement under his seal and signature.

(Sgd.) GEO. A. GRAHAM, *Mayor*.  
(Sgd.) A. McNAUGHTON, *Clerk*.  
(Sgd.) A. M. NANTON.

Signed, sealed and delivered in  
the presence of

(Sgd.) Geo. Luckhurst, as to the  
signature of Augustus Meredith Nanton.

## SCHEDULE "D."

## CITY OF FORT WILLIAM.

## BY-LAW No. 1197.

A By-law to raise the sum of \$250,000 by way of Debentures for the purpose of enabling the City to carry out its part of the Agreement hereinafter set forth with the Canadian Car & Foundry Company, Limited, and also to authorize the said Agreement.

Whereas the Council of the Corporation of the City of Fort William deem it desirable to enter into and make the Agreement hereinafter set forth with the Canadian Car & Foundry Company, Limited;

And whereas it will require the City to raise the sum of \$250,000.00 to enable the City to carry out its part of the said Agreement;

And whereas the said sum of \$250,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William according to the last revised Assessment Roll is \$15,720,820.50 plus a sufficient further amount to produce \$30,000 in taxes in each year such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$3,195,100.81 made up as follows:—

Street Railway Debenture Debt .....	\$505,000.00
Waterworks Debenture Debt .....	\$877,432.57
Electric Light Debenture Debt .....	\$211,366.11
Telephone Debenture Debt .....	\$199,000.00
General Debenture Debt .....	\$1,130,369.55
School Debenture Debt .....	\$271,932.58

of which no part of the principal or interest is in arrear for the payment of which a sinking fund of \$531,819.06 has been provided;

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said Corporation to the amount of \$250,000.00 bearing interest at four and one-half (4½) per centum per annum;

And whereas it will require the sum of \$11,250.00 to be raised annually for a period of 20 years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$9,303.93 to be raised annually during the said period for the payment of the said debt in tended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$20,553.93 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$20,555.93 to be raised annually for a period of 20 years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid.

Therefore

Therefore the Corporation of the City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may make and enter into an agreement with the Canadian Car and Foundry Company, Limited, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk of the said City, for the time being, may sign, seal with the Corporate Seal, execute and deliver such agreement on behalf of the Corporation of the City of Fort William.

2. The Corporation of the City of Fort William may borrow the said sum of \$250,000.00, on the credit of the said Corporation for the purposes aforesaid, and may issue debentures of the said Corporation to the extent of \$250,000.00, either in currency or sterling money, in sums of not less than \$100 Canadian currency, or £20 sterling, each payable within 20 years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum, payable half yearly.

3. The said debentures shall bear date as of the day of issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate Seal.

During the said period of 20 years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said city, in addition to all other rates, levies and assessments, the said sum of \$11,250.00 to pay the interest on the said debentures and also the further sum of \$9,303.93 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$20,553.93 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

6. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of the Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

7. This by-law shall come into force on the day of the final passing thereof.

8. That the votes of the electors of the said Municipality entitled to vote on this by-law shall be taken on Wednesday, the 10th day of July, 1912, commencing at the hour of 9 o'clock in the forenoon and closing at the hour of 5 o'clock in the afternoon of the same day, as follows:

#### WARD 1.

Polling Division No. 1, at 514 McIntosh Street, with P. L. Gavin as Deputy Returning Officer, and A. Abdou as Poll Clerk.

Polling Division No. 2, at 612 McTavish Street, with Frank M. Ross as Deputy Returning Officer and J. Tiboni as Poll Clerk.

Polling Division No. 3, at 600 Simpson Street, with Gilbert Hartley as Deputy Returning Officer and Fred Hartley as Poll Clerk.

Polling Division No. 4, at 538 Simpson Street, with John Cooper as Deputy Returning Officer and J. Cooper, Jr., as Poll Clerk.

Polling

Polling Division No. 5, at Drew Street School, with W. H. Morrell as Deputy Returning Officer and P. Gibbons as Poll Clerk.

#### WARD 2.

Polling Division No. 1, at Lebland's Store, corner of Bethune and Hardisty Streets, with John Murie as Deputy Returning Officer and J. Antrobus as Poll Clerk.

Polling Division No. 2, at the Avenue Hotel Sample Rooms, with J. Davis as Deputy Returning Officer and A. D. Smith as Poll Clerk.

Polling Division No. 3, at the City Hall, with R. H. Neeland as Deputy Returning Officer and J. Thompson as Poll Clerk.

Polling Division No. 4, at Whitehead Bros.' Office, corner of Myles and May Streets, with C. McKenzie as Deputy Returning Officer and J. Quinn as Poll Clerk.

Polling Division No. 5, at No. 212 N. Harold Street, with F. Moran as Deputy Returning Officer and D. McKay as Poll Clerk.

Polling Division No. 6, at 1121 Victoria Avenue, with James Hall as Deputy Returning Officer and James McLeod as Poll Clerk.

#### WARD 3.

Polling Division No. 1, at Costello's Store, No. 586 Syndicate Avenue, with W. Houston as Deputy Returning Officer and R. Kirkup as Poll Clerk.

Polling Division No. 2, at George Coates' Shop, on Marks Street, with J. R. Wells as Deputy Returning Officer and W. Pappin as Poll Clerk.

Polling Division No. 3, at Mrs. Gardner's Restaurant, with C. Mores as Deputy Returning Officer and T. Lumby as Poll Clerk.

#### WARD 4.

Polling Division No. 1, at the Coalette Co. Office, 521 Mary Street, with W. H. Bloomfield as Deputy Returning Officer and J. Bloomfield as Poll Clerk.

Polling Division No. 2, at the Mount McKay Club, with Geo. Neal as Deputy Returning Officer and R. Postans as Poll Clerk.

Polling Division No. 3, at Garrity & Ferguson's Office, corner of Frederica and Brown Streets, with G. W. Game as Deputy Returning Officer and M. Ferguson as Poll Clerk.

Polling Division No. 4, at the Ruthenian Hall, 905 Superior Street, with T. Manion as Deputy Returning Officer and L. Manion as Poll Clerk.

9. That on Saturday, the 6th day of July, 1912, at the hour of 10 o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Saturday, the 13th day of July, 1912, at the hour of 10 o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this by-law.

Given



Given under the corporate seal of the City of Fort William, as witnessed by the hands of its Mayor and Clerk this 16th day of July, A.D. 1912.

THE CORPORATION OF THE CITY OF FORT WILLIAM.

[Seal.]

(Sgd.) Per GEO. A. GRAHAM,  
*Mayor.*

(Sgd.) Per A. McNAUGHTON,  
*Clerk.*

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SCHEDULE "A."

To BY-LAW No. 1197.

Memorandum of Agreement made in quintuplicate this twenty eighth day of May, 1912,

Between

Canadian Car & Foundry Company, Limited, a body corporate, having its head office at the City of Montreal, herein acting by N. Curry, Esquire, its President, and F. A. Skelton, Esquire, its Secretary-Treasurer, hereto duly authorized by resolution of its Board of Directors, dated the eighteenth day of May, 1912, a certified copy of which is hereto annexed, hereinafter called "The Company," party of the first part;

and

The Corporation of the City of Fort William, in the Province of Ontario, herein acting by George A. Graham, its Acting Mayor, and A. McNaughton, its City Clerk, in virtue of a resolution of the Council of the said City, dated the twenty-eighth day of May, 1912, a certified copy of which is hereto annexed, hereinafter called "The City," party of the second part;

Whereby the Company and the City mutually covenant, promise and agree each with the other of them, as follows:

1. The Company is to have offices, and manufacturing and producing works at Fort William, for the manufacture of the products hereinafter referred to.

2. The Company will, within sixty (60) days after the Deeds hereinafter mentioned have been deposited in accordance with the terms hereof with a chartered bank in the City of Fort William, or so soon after the expiry of said sixty (60) days as climatic conditions will reasonably permit, proceed to erect a plant, works, and equipment on the site in the City of Fort William hereinafter mentioned, designed to manufacture cars, conveyances, and railway equipment, and such car specialties and other objects and products, as the Company may from time to time desire to manufacture.

3. The said plant and equipment is to cost not less than One Million Dollars (\$1,000,000), (excluding the cost of site) and shall be completed, ready for operation within thirty (30) months from the date the Company is bound to commence the construction thereof, under the terms of this agreement.

Provided,

Provided, however, if the Company is delayed in such commencement and completion by reason of accidents, strikes, delays in delivery of material, by the fault of the City, or by other causes beyond its control, the time so lost shall be added to the periods hereinbefore fixed for the commencement and completion.

4. The said plant, works and equipment, when completed as aforesaid, are to have a capacity capable of manufacturing not less than twenty-four (24) freight cars per working day besides other car specialties.

5. The Company is to employ during the period of five (5) years after commencing manufacturing operations in connection with such plant, works and equipment, a sufficient number of men for a sufficient number of working days to equal one thousand (1000) men for twelve hundred and fifty (1250) working days; and shall employ, in each year thereafter during the next period of five (5) years, a sufficient number of men for a sufficient number of working days to equal not less than one thousand (1000) men for two hundred and fifty (250) working days each.

Provided, however, from the number of days respectively hereinbefore mentioned there shall be deducted the number of days during which the operation of the said plant is interfered with, notwithstanding due diligence on the part of the Company, by reason of fire, accidents, strikes, non-supply of water or power, or other happenings beyond the control of the Company; and the Company, in the event of such interference shall give notice to the City when said interference with the operation of its plant commences and also a like notice when said interference ceases.

All men employed by any manufacturing concern upon the property hereinafter mentioned by any corporation, firm or person, occupying any part thereof under title from the Company, and the periods of their employment, respectively, may be included by the Company, for the purposes hereof;

Provided that the payroll of any such corporation, firm or person, as to men employed and wages paid shall be subject to the same inspection by the City as is provided in section nine hereof.

6. All fire insurance placed or held by the Company upon any of its property in the City of Fort William shall, during ten (10) years from the date hereof, be placed with or through local fire insurance agents residing and carrying on business in the City of Fort William, provided such insurance can be so placed equally advantageously to the Company, as same may be placed elsewhere.

7. All men employed in the erection of said plant, works and equipment, either by the Company or by any contractor or subcontractor or by the Company in the operation thereof, or by any other corporation, firm or person on said property, as aforesaid, shall be paid in cash in the City of Fort William or by cheque on some bank in the said City.

8. All men employed by the Company, or by any contractor or subcontractor, or otherwise, in the erection or operation of such plant, works and equipment, and any other plant, works and equipment on the property herein described, shall be paid not less than the standard wages for either time or piece work from time to time in force in Fort William, for their respective trades for the same grade of work therein, and all such men shall be paid semi-monthly.

9. The payrolls of the Company as to men employed and wages paid, shall be open for inspection by the City from time to time during the terms hereof; said inspection to be made through a duly chartered accountant employed by the Council, which inspection may be made at reasonable hours; if so required, the Com-

pany shall, from time to time, at reasonable periods, during the said term, satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

10. The City will and doth hereby exempt all the property of the Company in the City of Fort William which is used in connection with and solely for the purpose of such manufacture, including raw materials to be used therein and the products thereof, and also the like property of any corporation, firm or person occupying any part of the hereinabove described property under title from the Company which is used in connection with and solely for the purpose of its manufacturing plant on such part of said property, including raw materials to be used therein and the products thereof, from all general municipal taxation of the City, excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals for the period of ten (10) years from the putting into operation of the plant, save as herein provided, which exemption shall accrue and be effective from year to year.

Provided, however, that no dwelling houses or stores which may be situate upon the lands exempt thereby nor the land occupied by such dwelling houses or stores when so occupied, shall be included in such exemption.

In the event of the Company's plant ceasing to operate for more than six (6) months in any calendar year, for other reasons than the results of fire, accidents, strikes, non-supply of water or power or other happenings beyond the control of the Company, the Company will pay taxes for that year.

Any default of the Company in respect to its other obligations hereinafter shall operate to deprive the Company of the benefit of the exemption herein granted, only for the period of the calendar year or years in which such default may occur or continue.

11. The Company shall not be deemed, however, to be in default hereunder until the expiry of thirty (30) days from the receipt by the Company of a notice in writing by the authorized officers of the City, acting under a resolution of the Council of the City of Fort William, setting out the act or omission of the Company complained of and that the City will hold the Company to be in default under this agreement for the reasons mentioned in said notice, and unless the Company shall in fact fail, within such thirty (30) days, to make good any such act or omission, if the same be in contravention of the terms hereof.

12. The City shall, as soon as possible after the coming into force of this agreement, cause to be deposited in escrow in the office of a chartered bank in the City of Fort William, a deed or deeds granting and conveying to the Company by valid title in fee simple, free from all encumbrances, unconditionally, and without reference to this contract, the following lands in the City of Fort William in the District of Thunder Bay:

Firstly:—That portion of lots nine (9) and ten (10) in the First Concession of the Township of Neebing, north of the Kaministiquia River, now in the said City, bounded by Neebing Avenue, Right of Way of the Canadian Northern Railway, Mountain Avenue and Montreal Street, saving and excepting:

- (a) The west thirty feet thereof which is to be reserved by the City for the purpose of allowing a branch line or spur connecting the Industrial Spur on Montreal Street with the Canadian Pacific Railway Company's line to be constructed and operated thereon, and

(b)

- (b) That portion thereof lying north of the south limit of Superior Street and east of the west limit of the lane between Crawford Avenue and Home Avenue produced in a straight line.

Secondly:—That portion of said lot 10 lying south of Montreal Street immediately adjoining to the west site of the Superior Rolling Mills Company, Limited, having a perpendicular width of 367 feet and reaching from Montreal Street to the Kaministiquia River, together with all the right, title and interest conferred on the Patentees from the Crown as represented by the Province of Ontario of the lands in front thereof, covered by the Kaministiquia River, the whole as appears from the plan of E. R. Bingham, Provincial Land Surveyor, hereto attached to form part hereof, and identified by the signatures of the parties hereto, and the City shall, simultaneously with or before the deposit of the said deed or deeds give to the Company free and uninterrupted possession of the said property to the end that it may forthwith commence the erection of said plant and uninterruptedly continue the same.

13. The said bank shall release the said deed or deeds to the Company, and the conditions of said deposit as between the City and the said bank shall so provide when and so soon as the Company shall have expended upon said plant, works and equipment, the sum of two hundred and fifty thousand dollars (\$250,000), exclusive of the cost of site) as evidenced by the solemn declaration of the Secretary-Treasurer of the Company, and when the Company shall have delivered to the City the bond of the Montreal Trust Company in the sum of two hundred and fifty thousand dollars (\$250,000), conditioned for the due completion of the said plant, works and equipment, as aforesaid, which completion shall be evidenced by the solemn declaration of the Secretary-Treasurer of the Company, as to the expenditure of at least one million dollars (\$1,000,000), and by the fact of the said plant having been put in operation. The said bond of the Montreal Trust Company shall be delivered up to the Company for cancellation when the conditions thereof, as aforesaid, shall have been complied with.

14. The City may maintain, repair and operate the present water works, mains, and hydrants installed in and upon the above described lands. The City will, on the request of the Company, however, move any water mains from one position to another on the said property to meet the convenience of the Company in respect to its plant, providing such moving or removal shall not affect the efficiency of the water service of the City.

All work for repairs in respect to said water mains, obtaining access thereto or moving of same shall be borne by the City.

15. The City will secure and maintain for the Company either (a) the right to free physical and rail connection between the first above described lands and the Canadian Pacific Railway Company and the Industrial Spur south of Montreal Street, or (b) free switching between said lands and the said Railway Company and the said Industrial track, or (c) will secure for the Company the free right to do its own switching between said lands and the said Railway Company and the said Industrial track. The City will pay to the Company such switching charges as it may have to pay for switching and the conveyance of goods and materials between said lands and said Railway Company and said Industrial track, until the City shall have fulfilled its obligations in this respect.

16. Upon the said plant, works, and equipment being put in operation, the City will pay to the Company the amount expended by the Company for the construction of a dock fronting on the said lands in the Kaministiquia River and loading and unloading

equipment

equipment thereof, which said dock shall be and remain the sole property of the Company, the liability of the City in this respect, however, not to exceed the sum of twenty thousand dollars (\$20,000). The City will join with the Company in any applications to the Dominion Government which it may be found advisable to make for the purpose of causing any necessary dredging to be done to provide proper access to and accommodation for vessels in respect to said dock, and will use its best endeavors to procure the performance of the same.

17. The Council of the City of Fort William may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

18. This agreement shall not come into force or effect until confirmed by a by-law of the City duly approved by the ratepayers of the City, and until said by-law shall have been enacted and so approved, shall have no force or effect; but upon the enactment of said by-law and its approval, as aforesaid, this contract shall come into force and effect as of the date of said approval.

The City will, at its own expense, if required by the Company, apply for a ratification of this contract, and the by-law based thereon, by the Legislature of the Province of Ontario at its next session, and use its best endeavours to procure the same.

19. Time shall be the essence of this agreement.

20. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the Company or of the City respectively.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the date first above written.

IN THE PRESENCE OF

[Seal.]

CANADIAN CAR & FOUNDRY COMPANY, LIMITED.

Per .....

N. CURRY,

President.

T. A. SKELTON,

Secretary.

[Seal.]

THE CORPORATION OF THE CITY OF FORT WILLIAM.

Per .....

GEO. A. GRAHAM,

Acting Mayor

A. McNAUGHTON

City Clerk.

SCHEDULE

## SCHEDULE "E."

## CITY OF FORT WILLIAM BY-LAW NO. 1239.

A by-law to raise the sum of \$50,000 by way of debentures for the purpose of enabling the City to carry out its part of an Agreement with the Canadian Steel Foundries Limited, and to authorize such Agreement.

Whereas the council of the said city is of opinion that the agreement hereinafter mentioned should be made and entered into with the Canadian Steel Foundries, Limited;

And whereas it will require the city to issue debentures to the amount of \$50,000, as herein mentioned in order to enable the city to carry out its part of the said agreement;

And whereas the said sum of \$50,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is \$15,720,820.50 plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said city, exclusive of local improvement debentures, amounts to \$3,195,100.81, made up as follows:

Street railway debenture debt .....	\$505,000 00
Waterworks debenture debt .....	877,432 57
Electric light debenture debt .....	211,366 11
Telephone debenture debt .....	199,000 00
General debenture debt .....	1,130,369 55
School debenture debt .....	271,932 58

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$531,819.06 has been provided:

And whereas in order to provide for the said debt, it is expedient to issue debentures of the said corporation to the amount of \$50,000 bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of \$2,250.00 to be raised annually for a period of 20 years (the currency of the debentures to be issued under and by virtue of this by-law) to pay the interest on the said debt, and the sum of \$1,860.78 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$4,110.78 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$4,110.78 to be raised annually for a period of 20 years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid,

Therefore



Therefore the corporation of the City of Fort William enacts as follows:

1. The corporation of the City of Fort William may make and enter into an agreement with the Canadian Steel Foundries, Limited, to the effect set forth in schedule "A" hereto, and the mayor and clerk of the said city, for the time being, may sign, seal with the corporate seal, execute and deliver such agreement on behalf of the City of Fort William.

2. The corporation of the City of Fort William may borrow the said sum of \$50,000 on the credit of the said corporation for the purposes aforesaid, and may issue debentures of the said corporation to the extent of \$50,000 either in currency or sterling money, in sums of not less than \$100 Canadian currency, or £20 sterling, each payable within 20 years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum, payable half-yearly.

3. The said debentures shall bear date as of the day of issue thereof and shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

4. During the said period of 20 years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said city in addition to all other rates, levies and assessments, the said sum of \$2,250.00 to pay the interest on the said debentures, and also the further sum of \$1,860.78 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$4,110.78 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon, and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the city treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Bank of Montreal, Toronto, Canada; and the Bank of Montreal, London, England.

6. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the debenture registry book of the said corporation, at the said city of Fort William," or to like effect.

7. This by-law shall come into force on the day of the final passing thereof.

8. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the sixth day of January, 1913, and the polls shall be held at the same hour, on the same day, at the same places, and by the same deputy returning officers and poll clerks as the municipal elections for 1913 will be held.

9 That on Saturday, the 4th day of January, 1913, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the city clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the city clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.



10. That on Tuesday, the 7th day of January, 1913, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the City of Fort William, as witnessed by the hands of its mayor and clerk this 14th day of January, 1913.

THE CORPORATION OF THE CITY OF FORT WILLIAM,

per GEO. A. GRAHAM,  
Mayor.

per A. McNAUGHTON,  
Clerk.

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SCHEDULE "A."

To BY-LAW No. 1230.

Memorandum of Agreement made in quintuplicate the 6th day of December, 1912.

Between

Canadian Steel Foundries, Limited, of the City of Montreal, in the Province of Quebec (hereinafter called the "Company")  
of the First Part,

and

The Corporation of the City of Fort William (hereinafter called the "City")  
of the Second Part.

Whereby the Company and the City mutually covenant, promise and agree each with the other of them as follows:

1. The Company is to proceed on or before the 1st day of May, 1913, to erect on a site in the City of Fort William a plant, works and equipment for the purpose of manufacturing, among other things, railway frogs, switches, crossings, switch stands and other track material; also railway car and locomotive springs; and such plant, works and equipment shall be completed ready for operation on or before the 31st day of December, 1914; provided, however, if the Company is delayed by fire, accidents, strikes, non-delivery of material or other matters beyond its control, the time so lost shall be added to the period hereinbefore fixed for completion.

2. The cost of such plant, works and equipment, exclusive of the cost of the Company's site, in the said city of Fort William, shall be not less than \$250,000.

3. The Company is to operate the said plant, works and equipment for a period of ten years commencing on the first day of January, 1915, or on the date hereinbefore fixed for the commencement of manufacturing operations (whichever shall be last) so as to employ and keep employed a sufficient number of men for a sufficient number of days in each year of the said period of ten years to equal two hundred and fifty men for two hundred and fifty days each.

4. The City will and doth hereby exempt all the property of the Company in the said city of Fort William, which is used in connection with and solely for the purpose of such manufacture, including the raw materials to be used therein and the products thereof, from all general municipal taxation of the City, excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals, for so many years of a period of ten years commencing with the year 1914 as the Company shall fully comply with the terms and conditions of this agreement as herein set forth.

Provided, however, that no dwelling house which may be situate upon the lands exempt hereby, nor the lands so occupied, while so occupied, shall be included in such exemption.

5. That all fire insurance placed or held by the said Company upon any of its property in the City of Fort William shall, during the currency hereof, be placed with or through the local fire insurance agents residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

6. That all men employed by the said Company or employed in or about the said works or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant, works and equipment, shall be paid in cash in the said City of Fort William, or by cheque on some bank in the City of Fort William.

7. That all men employed by the said Company or employed by any contractor or sub-contractor, or otherwise, in the erection or operation of such plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid semi-monthly.

8. That the pay-roll and books of the said Company shall be open for inspection by the City of Fort William from time to time during the currency hereof, the said inspection to be made through a duly chartered accountant appointed by the council, which inspection may be made at reasonable hours, and if so required, the said Company shall from time to time during the said term satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

9. Upon the completion of the said plant, works and equipment as aforesaid and the commencement of operations thereof in accordance herewith, the City shall execute and deliver to the Company debentures of the said City to the amount of \$50,000, payable at the expiration of twenty years from the date thereof and bearing interest at four and one-half per centum per annum payable half-yearly.

10. This agreement shall not come into force or effect until approved by the ratepayers of the said City (and validated if necessary) and until and unless so approved (and validated if necessary) shall have no force or effect, and the City will have the same validated at next session of Provincial Legislature whether necessary or not.

11. Time shall be the essence of this agreement.

12. The said Company shall forthwith deposit with the City the sum of \$500.00, in consideration whereof and upon payment thereof the City is to submit this agreement, for the approval of its ratepayers, at the January municipal elections, 1913, which said sum of \$500.00 is only to be returned to the said Company if such by-law

is approved by such ratepayers and the Legislature (if necessary) and if, in addition thereto, the said plant, works and equipment are completed in accordance herewith.

13. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the Company and the City respectively.

In witness whereof the corporate seal of the said City and Company respectively and the hands of their proper officers in that behalf.

[Seal.]

THE CORPORATION OF THE CITY OF FORT WILLIAM,

per GEO. A. GRAHAM,  
Mayor.

per A. McNAUGHTON,  
Clerk.

[Seal.]

CANADIAN STEEL FOUNDRIES, LIMITED,  
per H. CURRY,  
President.

per T. A. SKELTON,  
Secretary.

Signed, sealed and delivered in the presence of:  
J. B. BRODIE.

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## SCHEDULE "F."

CITY OF FORT WILLIAM, BY-LAW NO. 1240.

A By-law to authorize a certain Agreement with Stanley Edward Elkin, of the Maritime Nail Company, Limited.

Whereas the Council of the Corporation of the City of Fort William is desirous of securing the establishment of a wire and nail works at the City of Fort William upon the terms and conditions set forth in the Agreement hereunto annexed as "Schedule "A."

Therefore the Corporation of the City of Fort William enacts as follows:—

1. The Corporation of the City of Fort William may make and enter into an Agreement (which Agreement forms a part of this By-law) with Stanley Edward Elkin to the effect set forth in Schedule "A" hereunto; and the Mayor and Clerk for the time being of the said Corporation may sign, seal with the Corporate Seal, execute and deliver the above in part recited Agreement on behalf of the said Corporation.

2. This By-law shall come into force on the day of the final passing thereof.

3. That the votes of the electors of the said Municipality entitled to vote on this By-Law shall be taken on Monday the Sixth day of January, 1913, and the polls shall be held at the same hour, on the same day, at the same places, and by the same Deputy Returning Officers and Poll Clerks as the Municipal elections for 1913. will be held.

4. That on Saturday the 4th day of January, 1913, at the hour of ten o'clock in the forenoon, the Mayor of Fort William will attend at the Office of the City Clerk for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

5. That on Tuesday, the 7th day of January, 1913, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this by-law.

Given under the Corporate Seal of the City of Fort William, as witnessed by the hands of its Mayor and Clerk this ..... day of January, A.D. 1913.

THE CORPORATION OF THE CITY OF FORT WILLIAM,  
(Seal)

per GEO. A. GRAHAM,  
Mayor.

per A. McNAUGHTON,  
Clerk.

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#### SCHEDULE "A."

Memorandum of Agreement made in duplicate this sixth day of November, 1912,

Between

Stanley Edward Elkin, of the City of St. John, in the Province of New Brunswick (hereinafter called the "Grantee") of the first part,

and

The Corporation of the City of Fort William (hereinafter called the "City,") of the second part,

Whereby the Grantee and the City mutually covenant, promise and agree each with the other of them as follows:—

1. The Grantee undertakes that the Maritime Nail Company, Limited, a body corporate, incorporated under the laws of the Dominion of Canada (hereinafter called "the Company"), will on or before the first day of May, 1913, proceed to erect in the City of Fort William, a plant, works and equipment for the purpose of manufacturing, among other things, wire and wire nails, and such plant, works and equipment shall be completed ready for operation on or before the first day of November, 1914; Provided, however, if the Company is delayed by fire, accidents, strikes, non-delivery

of materials or other matters beyond its control, the time so lost shall be added to the period hereinbefore fixed for completion.

2. The cost of such plant, works and equipment, including the cost of the Company's site in the said City of Fort William, shall be not less than \$500,000.

3. The Company, subject in all cases to matters beyond its control, is to operate the said plant, works and equipment during the term of the guaranteed bonds herein mentioned so as to have employed and engaged at the commencement of operation of such plant, works and equipment on or before the first day of November, 1914, not less than 200 men, and thereafter the said Company is to operate the said plant, works and equipment during the first five years of the term of such bonds so as to have employed and keep employed in connection therewith in the said City during each year after the commencement of operations and during the first five years of the term of such bonds a sufficient number of men for a sufficient number of days to equal 200 men for 300 days of ten hours each and thereafter during each year of the said term a sufficient number of men for a sufficient number of days to equal 300 men for 300 days of 10 hours each.

4. The City will and doth hereby exempt all the property of the Company in the said City of Fort William, which is used in connection with and solely for the purpose of such manufacture, including the raw materials to be used therein and the products thereof, from all general municipal taxation of the City, excepting school rates, local improvements, rates and taxation imposed for public parks, public libraries and hospitals, for so long of a period of ten years commencing with the year 1914 as the Company shall fully comply with the terms and conditions of this agreement as herein set forth.

Provided, however, that no dwelling house which may be situate upon the lands exempt hereby, nor the lands so occupied, while so occupied, shall be included in such exemption.

5. That all fire insurance placed or held by the said Company upon any of its property in the City of Fort William shall, during the currency hereof, be placed with or through the local Fire Insurance Agents, residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

6. That all men employed by said Company or employed in or about the said works or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William or by cheque on some bank in the City of Fort William.

7. That all men employed by the said Company or employed by any sub-contractor or contractor, or otherwise, in the erection or operation of such plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid semi-monthly.

8. That the pay roll and the books of account containing the entries of capital expenditures of the said Company shall be open for inspection by the City of Fort William from time to time during the currency hereof, the said inspection to be made through a duly chartered accountant appointed by the Council, which inspection may be made at reasonable hours, and if so required the said Company shall from time to time during the said term satisfy the City by Declaration or Affidavit that they have complied with the provisions hereof.

9. Provided that the said Company has duly observed and performed all the terms and conditions of this agreement on its part contained, the City will, as accommodation and as surety for the said Company, guarantee the principal and interest of Two Hundred and Fifty Thousand Dollars of the authorized bond issue of the said Company, secured as hereinafter mentioned, payable in thirty years from the date of said bonds and bearing interest at six per centum per annum, payable half-yearly, and the City will execute and deliver such guarantee as follows:

- (a) On One Hundred Thousand (\$100,000) dollars of such bonds, when the said Company has secured a good registered title in fee simple free from all encumbrances of a site in the City of Fort William (the price paid for same to be a reasonable one, having in view the objects of the Company) said price to be satisfactory to and approved of by the Council of the said City, and when the Treasurer or other officer of the Company has filed a statutory declaration in the office of the Clerk of the Corporation of the City of Fort William to the effect that the Company has expended for such site and in and toward the erection of such plant, works and equipment thereon the sum of \$200,000.
- (b) ON a further One Hundred Thousand Dollars of such bonds when the Treasurer or other officer of the Company has filed a statutory declaration in the office of the Clerk of the Corporation of the City of Fort William to the effect that the said Company has expended for such site and in and towards the erection of such plant, works and equipment thereon the sum of \$400,000.
- (c) On the remaining Fifty Thousand Dollars when the Treasurer or other officer of the Company has filed a statutory declaration in the office of the Clerk of the Corporation of the City of Fort William to the effect that the said plant, works and equipment have been fully completed ready for operation in accordance herewith, and the sum of \$500,000 has been expended.

10. The proceeds of the entire bond issue of the Company (guaranteed or otherwise) exclusive, however, of the proceeds of any bond issue now existing or hereafter made secured by mortgage on the Company's property in the Province of New Brunswick, are to be placed in the Treasury of the Company and to be used only for the purpose of the purchase of said site and for constructing said plant, works and equipment and of making extensions, improvements and additions thereto, as hereinafter mentioned.

11. A deed of first mortgage and trust of all the property of the said Company in Fort William, shall be executed and delivered in favor of a reliable Trust Company doing business in the Dominion of Canada, securing the said bond issue of the Company and the interest thereon. Such bond issue may be fixed and authorized by the Company at such amount as the Company deem reasonable and necessary, provided that none of the bonds so authorized (with the exception of the bonds of said authorized issue, to the amount of \$250,000 so to be guaranteed by the City) shall be issued by the Company except for extension, additions or improvements to the plant, works and equipment herein contemplated, and then only to the amount of seventy-five per centum of the cost of such further extension, additions or improvements. Said mortgage may contain such terms, covenants, conditions and warranties as may be agreed upon between the said Trust Company and the Company not inconsistent herewith.

12. The Company is, during each and every year of the term of the guaranteed bonds, commencing with the year 1917, to pay to the trustee a sufficient sum by way of a sinking fund to retire the said bonds or any of them at maturity or prior thereto.

13. The Company is, at all times during the currency of such guaranteed bonds, to keep all its property from time to time insured for its full insurable value, with loss (if any) payable to the said trustee.

14. This agreement shall not come into force or effect until approved by the ratepayers of the said City (and validated if necessary), and until and unless so approved (and validated if necessary) shall have no force or effect.

15. Time shall be of the essence of this agreement.

16. The said Grantee shall forthwith deposit with the City the sum of \$500.00 as a forfeit in consideration whereof and upon payment thereof the City is to submit this agreement for the approval of its ratepayers, which said sum of \$500 is only to be returned to the Grantee or the Company, as the case may be, if such By-law is approved by such ratepayers and the Legislature (if necessary) and if in addition thereto the said plant, works and equipment are completed in accordance herewith.

17. The Company is to provide, other than by the issue of bonds, the sum of \$200,000 as working capital on or before the time fixed for commencement of operations.

18. This agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators and assigns of the Grantee and the successor and assigns of the City respectively.

In witness whereof the Corporate Seal of the said City and the hands of its proper officers in that behalf, and the hand and seal of the Grantee this                      day of November, 1912.

Signed, sealed and delivered in the presence of

[Seal.]

THE CORPORATION OF THE CITY OF FORT WILLIAM,

per GEO. A. GRAHAM.  
Mayor.

per A. McNAUGHTON.  
Clerk

STANLEY EDWARD ELKIN.  
Grantee.

We accept the conditions of this agreement,

[Seal.]

MARITIME NAIL CO., LIMITED.

G. W. JOHNSTON,  
Secretary.

E. C. E. WINN  
President.

SCHEDULE



## SCHEDULE "G."

Memorandum of Agreement made in triplicate this Second day of July, 1912,

Between:

The Corporation of the City of Fort William (hereinafter called the "City")

of the First Part,

and

National Tube Company, Limited, a Company incorporated under the laws of the Dominion of Canada and having its Head Office at the City of Fort William in the Province of Ontario (hereinafter called the "Company")

of the Second Part.

Whereas the City did by agreement bearing date the First day of November, 1911, enter into an agreement with one Frank V. Samwell, which agreement is set forth in Schedule "3" to "The City of Fort William Act, 1912";

And whereas the Company has been incorporated with a Dominion Charter pursuant to Paragraph One of the above in part recited agreement;

And whereas the said Samwell has assigned the above in part recited agreement to the said Company;

And whereas in and by Paragraph Sixteen of the above in part recited agreement it is provided that as soon as the Company is incorporated the City will enter into a similar agreement in lieu of this agreement;

Now therefore the City and the Company mutually covenant, promise and agree each with the other of them as follows:—

1. The said Company is to have its Head Office, manufacturing and producing works at the City of Fort William and is to carry on all its business from the City of Fort William.

2. The Company is to proceed to erect on the site hereinafter mentioned, a plant, works and equipment for the purpose of manufacturing, among other things, wrought iron and steel pipe, and such plant, works and equipment shall be ready for operation within twelve months from November 1st, 1911, provided, however, if the Company is delayed by fire, accidents, strikes, non-delivery of material, or other matters beyond its control, the time so lost shall be added to the twelve months aforesaid.

3. Upon deposit with the City of the cost to the City of such site, the City is to furnish a site in the City of Fort William to be selected by the Company, at a price mutually satisfactory to the Council and the Company, from the available sites for manufacturing purposes, of from ten to fifteen acres and having a river frontage of about 500 feet, and the amount of such deposit up to \$50,000 shall be returned to the Company by the City with interest at Six per cent. per annum as follows: \$25,000 upon the completion of the said plant, works and equipment and the commencement of

operation

operation thereof in accordance herewith, and the balance in three equal instalments annually as follows:—

- (a) The first of such instalments upon the completion of the said plant, works and equipment and its operation in accordance herewith for a period of one year.
- (b) The second of such instalments upon such completion and operation for a period of two years, and
- (c) The third of such instalments upon such completion and operation for a period of three years.

The understanding being that if the site cost more than \$50,000 the City is to retain for its own use and benefit to apply in and toward the cost of such site the amount in excess of \$50,000, and that the amount in excess of \$50,000 is not to be returned to the Company in any event.

4. The cost of the plant, works and equipment of the Company is to be not less than \$200,000.

5. The City is to make a loan to the Company of \$100,000, to be advanced as follows:—

- (a) \$50,00 of the said loan when and so soon as the Company has expended \$100,000 in and toward the erection of such plant, works and equipment, and
- (b) The remaining \$50,000 when and so soon as the said plant, works and equipment have been fully completed.

6. The City shall issue debentures to the amount of \$100,000 payable within ten years and bearing interest at four and one-half per centum per annum, payable half-yearly, in order to raise the said \$100,000.

7. Before any moneys on account of such loan are advanced by the City, the Company shall execute and deliver to the City a first mortgage in fee simple for the said sum of \$100,000 on the said site, buildings, equipment and works, repayable with interest at four and one-half per centum per annum on the same days and times and in the same amounts as to both principal and interest as the City has to pay each year for interest and sinking fund to take care of the payment of the debentures for \$100,000 to be issued by the City as aforesaid.

8. The Company is to operate the said plant, works and equipment during the term of such debentures and exemption herein granted so as to have employed and engaged at the commencement of operation of such plant, works and equipment on or before the date fixed for such commencement of operations not less than 200 men, and thereafter said Company is to operate said plant, works and equipment so as to employ and keep employed in connection therewith in the said City during each of the first, second and third years thereafter a sufficient number of men for a sufficient number of days to equal 200 men for 250 days at least, unless prevented by causes beyond the control of the Company, and so as to employ and keep employed in connection therewith during each and every year thereafter until the expiry of the term of such debentures and the exemption herein granted a sufficient number of men for a sufficient number of days to equal 300 men for 250 days at least, unless prevented by causes beyond the control of the Company.

9. That all fire insurance placed or held by the Company upon any of its property situated in the City of Fort William shall, during

the currency hereof, be placed with or through the local Fire Insurance Agents residing and carrying on business in the City of Fort William, provided such insurance can be placed at equally good rates with outside quotations.

10. That all men employed by the said Company or employed in or about the said works, or employed by any contractor or sub-contractor or otherwise in the erection or operation of such plant and works, shall be paid in cash in the said City of Fort William or by cheque on some bank in the City of Fort William.

11. That all men employed by the Company, or employed by any contractor or sub-contractor, or otherwise in the erection or operation of such plant, works and equipment, shall be paid not less than the standard wages from time to time in force in Fort William for their respective trades, and that all such men shall be paid bi-monthly.

12. That the pay roll and the books of the Company shall be open for inspection by the City during the period of exemption granted by the City of Fort William, the said inspection to be made through a duly chartered accountant acceptable to the Company, which inspection may be made at such times and hours as may be found convenient to the Company, and if so required, the Company shall from time to time during the said term satisfy the City by declaration or affidavit that they have complied with the provisions hereof.

13. The City will and doth hereby exempt all the property of the Company in the City of Fort William which is used in connection with and solely for the purpose of such manufacture, including the raw material to be used therein and the products thereof, from all general municipal taxation of the City, excepting school rates, local improvement rates and taxation imposed for public parks, public libraries and hospitals, for so long a period of ten years, commencing with the year 1912, as the Company shall fully comply with the terms and conditions of this agreement as herein set forth; provided, however, that no dwelling house which may be situated upon the lands exempt hereby shall be included in such exemption.

14. Time will be the essence of this agreement.

15. This agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company and the City respectively.

In witness whereof the Corporate Seal of the said Company and the said City, and the hands of their proper officers in that behalf.

Signed, sealed and delivered in the presence of

[Seal.]

THE CORPORATION OF THE CITY OF FORT WILLIAM.

(Sgd.) GEO. A. GRAHAM,  
Mayor.

(Sgd.) A. McNAUGHTON,  
Clerk.

[Seal.]

NATIONAL TUBE COMPANY, LIMITED.

(Sgd.) W. W. NEAR,  
President.

SCHEDULE

## SCHEDULE "H."

Memorandum of Agreement made in triplicate the Second day of July, One thousand nine hundred and twelve:

Between:

The Corporation of the City of Fort William (hereinafter called the "City")

of the First Part,

and

National Tube Company, Limited (a Company incorporated under the laws of the Dominion of Canada and having its Head Office at the City of Fort William, in the Province of Ontario, hereinafter called the "Company")

Of the Second Part.

1. Notwithstanding the provisions of the agreement hereinbefore made between the Company and the City, the Company shall not be bound to proceed on or before the First day of July, 1912, to erect on the site hereinafter mentioned a plant, works and equipment for the purpose of manufacturing, among other things, wrought iron and steel pipe, nor shall such plant, works and equipment be required to be ready for operation on or before the First day of August, 1913.

2. Notwithstanding the provisions of the hereinbefore mentioned agreement, deeds in fee simple free from all encumbrances and dower, of the site to be acquired pursuant to the above in part recited agreement shall be properly executed in favor of the Company as soon as conveniently may be after the deposit of the said \$50,000 as provided in the said agreement has been made but shall be held in escrow by the City and shall not be delivered to the said Company, nor shall the same be registered until such time as the said Company shall have expended \$100,000 in and towards the erection of the said works.

3. The City agrees with the Company that the Company has been delayed by matters beyond its control in having the said plant ready for operation within twelve months from the First day of November, 1911, and that, therefore, the time for completion of the said plant has been extended as hereinbefore provided.

4. The City and the Company agree that the Council of the City for the year 1912 has, pursuant to the terms of the said agreement, declared its satisfaction by By-law with the shareholders, officers and management of the Company.

5. The City and the Company further agree that, pursuant to the terms of the said agreement, the Company has selected a site in the City of Fort William consisting of:

All and singular those certain parcels or tracts of land and premises situate, lying and being those portions of lot number ten (10) in the First Concession of the Township of Neebing, North of the Kaministiquia River (now in the said City of Fort William) described as follows:—

Commencing at a point in the Southerly limit of Montreal Street distant Four hundred and seventy-one feet (471') measured Easterly thereon from the Easterly limit of Neebing Avenue; thence Westerly along the said limit

of Montreal Street Four hundred and fifty-six feet (456'); thence Southerly and parallel to the said limit of Neebing Avenue One hundred and ten feet (110'), thence along a Fifteen degree curve to the left with a central angle of 60° 32' and radius perpendicular to the last course at its point of termination and continuing thence South-Easterly and tangentially to a point in a line drawn parallel to the said limit of Neebing Avenue through the point of commencement; thence Northerly along the line drawn as aforesaid, Five hundred and ninety feet (590') to the said point of commencement.

Secondly: Commencing at a point in the South limit of Montreal Street, as now established, distant 1,793 feet measured Westerly thereon from the West limit of Mountain Avenue; thence Westerly along the said limit of Montreal Street 361 feet more or less, to a point distant 471 feet measured Easterly thereon from the East limit of Neebing Avenue; thence Southerly and parallel to the said limit of Neebing Avenue to the water's edge of the left Bank of the Kaministiquia River; thence in a general North-Easterly direction following the said water's edge down stream to a point in a line drawn parallel to the said limit of Mountain Avenue through the point of commencement; thence Northerly along the line drawn as aforesaid to the place of beginning.

Thirdly: All the right, title and interest of the Grantors in and to the water lots of lands covered by the waters of the Kaministiquia River immediately South adjoining and in front of the lands above described.

And that the Company has deposited with the City the sum of \$50,000, the cost to the City of such site, and that deeds in fee simple thereof have been executed to the Company and are now held in escrow by the said City.

6. The City further agrees with the Company that the Company did proceed before the First day of July, 1912, to erect the said plant and equipment.

7. The City will join with the Company at the Company's expense, in obtaining legislation confirming and validating this agreement, and the said original agreement as amended and supplemented by this agreement.

8. This agreement, and everything herein contained, shall extend to, enure to the benefit of, and be binding upon the successors and assigns of the City and the Company.

In witness whereof there is hereunto set the Corporate Seal of the said Company and the said City, and the hands of their proper officers in that behalf.

Signed, sealed and delivered in the presence of

[Seal.]

(Sgd.) GEO. A. GRAHAM,  
Mayor.

(Sgd.) A. McNAUGHTON,  
Clerk.

[Seal.]

NATIONAL TUBE COMPANY, LIMITED,

(Sgd.) W. W. NEAR,  
President.

SCHEDULE

Total Annual Interest Charges .....	\$55,322 50
Total Annual Sinking Fund Charges.....	23,604 81
Annual Charges .....	<u>\$78,927 31</u>

SCHEDULE "I."

WATERWORKS DEBENTURES.

Date.	Amount.	Interest.	Sinking Fund.	No. of Years.	Date of Maturity.	By-law No.
July 21, 1897	\$35,000 00	\$1,750 00	\$600 00	30	July 21st, 1927	151
Sept. 26, 1899	25,000 00	1,125 00	445 75	30	September 26th, 1929	209
May 7, 1901	10,000 00	450 00	178 30	30	May 7th, 1931	263
Mar. 1, 1905	11,500 00	517 50	386 19	20	March 1st, 1925	377
Mar. 1, 1906	20,000 00	900 00	744 31	20	March 1st 1926	396
Sept. 1, 1906	125,000 00	5,625 00	2,627 40	30	September 1st, 1936	405
Apr. 1, 1907	100,000 00	4,500 00	1,326 24	40	April 1st, 1947	434
Apr. 1, 1907	80,000 00	3,600 00	1,060 99	40	April 1st, 1947	434
July 1, 1907	32,000 00	1,440 00	672 62	30	July 1st, 1937	513
Feb. 1, 1908	22,000 00	1,100 00	462 42	30	February 1st, 1938	532
Oct. 1, 1908	95,000 00	4,750 00	1,996 83	30	October 1st, 1938	593
Feb. 1, 1909	82,000 00	3,690 00	1,723 58	30	February 1st, 1939	609
Aug. 1, 1909	66,000 00	2,970 00	1,387 27	30	August 1st, 1939	706
Feb. 1, 1910	6,500 00	292 50	136 63	30	February 1st, 1940	720
Feb. 1, 1910	16,000 00	720 00	212 20	40	February 1st, 1950	729
Feb. 1, 1910	52,500 00	2,362 50	1,133 51	30	February 1st, 1940	730
Feb. 1, 1910	31,000 00	1,395 00	651 60	30	February 1st, 1940	811
Feb. 1, 1910	14,000 00	630 00	294 27	30	February 1st, 1940	830
Feb. 1, 1911	61,000 00	2,745 00	1,282 17	30	February 1st, 1941	851
Aug. 1, 1912	75,000 00	3,375 00	994 68	40	August 1st, 1952	1184
Aug. 1, 1912	253,000 00	11,385 00	5,317 87	30	August 1st, 1942	1192
	<u>\$1,212,400 00</u>	<u>\$55,322 50</u>	<u>\$23,604 83</u>			

Certified correct copy.  
A. McNAUGHTON,  
City Clerk.

## CHAPTER 97.

## An Act respecting the Town of Gananoque.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Town of Gananoque <sup>Preamble.</sup> has by Petition represented that on the 13th June, 1910, there was submitted to the Ratepayers of the Town of Gananoque, entitled to vote on Bonus By-laws, a certain By-law fixing the assessment of The D. F. Jones Manufacturing Company, Limited, for a term of 20 years from 1st January, 1910, upon their lands then occupied by them in the said Town of Gananoque for manufacturing purposes and more fully set out in the By-law herein referred to and hereafter set out and being By-law 511 of the Town of Gananoque and all buildings and erections that may be put thereon for or in connection with the manufacturing business of said Company and all the plant, appliances, machinery, tools and other personal property of said Company at the sum of \$44,160.00 and exempting said Company from any further or additional taxation, save and excepting school taxes, local improvements, water rates and street watering; and whereas at the polling in respect of said By-law there was recorded 580 votes in favour of said By-law and only 4 votes against such By-law the whole number of votes appearing on the voters' lists used at said election being 732; and whereas said By-law received considerably more than the requisite number of votes required by law; and whereas said By-law was finally passed by the Municipal Council of the Town of Gananoque on the 21st June, 1910; and whereas an Agreement bearing date the 18th May, 1910, was entered into between the Municipal Corporation of the Town of Gananoque and The D. F. Jones Manufacturing Company, Limited, hereto appended as Schedule "B" in connection with said By-law 511, by which said Company agreed to expend upon their factories in the said Town of Gananoque within 18 months from 18th May, 1910, the sum of \$25,000.00; and whereas the said Company owing to the protracted illness and subsequent death of their then President, and for other



causes did not expend the said sum of \$25,000.00 within the time specified; and whereas the said company in 1912 did expend an amount in excess of the sum of \$25,000.00 upon the lands herein set forth in connection with their said manufacturing business in said Town of Gananoque as well as purchasing other lands in the Town of Gananoque not covered by said By-law and upon which they have spent large sums of money; and whereas said Company have in all other respects complied with the terms of said By-law and Agreement and have practically observed the spirit of said By-law; and whereas the Municipal Council of the Town of Gananoque at a regular meeting held on Tuesday, 18th day of May, 1910, passed a Resolution by an unanimous vote authorizing an application to the Legislative Assembly of the Province of Ontario for an Act legalizing and validating said By-law Number 511, and said Agreement bearing date 18th May, 1910, both of which are hereto appended as Schedules "A" and "B"; and whereas the Municipal Council of the Town of Gananoque have by their said Petition prayed to have said By-law Number 511 and said Agreement legalized, validated and confirmed; and whereas it is expedient to grant the prayer of the said Petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
511 and  
agreement  
confirmed.

1. By-law 511 of the Town of Gananoque set out in Schedule "A" to this Act and the Agreement bearing date 18th June, 1910, and set out in Schedule "B" to this Act are confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of Gananoque and the ratepayers thereof.

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## SCHEDULE "A."

### BY-LAW No. 511.

A By-law to grant The D. F. Jones Manufacturing Company partial exemption from municipal taxation for a period of 20 years.

WHEREAS The D. F. Jones Manufacturing Company (hereinafter called the Company), a manufacturing Company carrying on business in the Town of Gananoque, have carried on a large manufacturing business in said Town for the past 60 years, during which they have continuously employed a large number of men;

And whereas the said Company have agreed to expend a large sum of money in extending and enlarging their plant in the said

town, and expect to double their output of manufactured goods, as well as to largely increase the number of men employed by them in said industry;

And whereas the said Company have agreed to continue their business as manufacturers in said Town of Gananoque, during the term of said exemption to be granted under this By-law, to as large an extent and volume as the same is now carried on by the Company;

And whereas there is no industry of a similar nature already established in said Town other than said Company;

And whereas the said Company have applied to the Council of said Municipality for the partial exemption of the property of the Company, including Business Assessment, from municipal taxation for a period of 20 years from and including the 1st day of January, 1911, to the following extent and amount, that is to say, exemption of all the assessed value thereof over and above the present assessment of said Company, which is the sum of \$44,160.00, from municipal taxation, but not from school taxes and local improvements, and this Council deems it expedient to grant the said partial exemption as hereinafter set out, subject to the terms and conditions of a certain agreement entered into between said Corporation and said Company;

Therefore the Municipal Corporation of the Town of Gananoque in council assembled enacts as follows:—

1.—That the following lands and tenements, namely: Town Lots Numbers 1010, 1011 and 1012, on the west side of the Gananoque River, in the Town of Gananoque, in the County of Leeds and Province of Ontario, and Town Lots Numbers 612, 613, 614, 615, 1,000, 1005, 1006, 1007 1008 part of Lot Number 1003 fronting on Brock Street, and being that part of said lot lying between the Thousand Islands Railway Company's land and the Gananoque River, part of Block "A" lying on the westerly side five feet more or less from factory lane to a stone monument, thence north-easterly ten feet, more or less, to the place of beginning, and containing twenty-five square feet of land, be the same more or less, and a parcel of land composed of the south-westerly part of road allowance from Brock Street, and being that part of Brock Street lying between the Thousand Islands Railway and the Gananoque River, and now leased to said Company by the Corporation of the Town of Gananoque, by lease dated the 17th day of June, 1904, all of which last named lots are situate on the east side of the Gananoque River, in the Town of Gananoque, and all of said lots are laid down on a map or plan of said Town of Gananoque made by Messrs. Beatty & Saunders, and registered in the Registry Office for the County of Leeds on the 3rd January, 1887, and all buildings and erections that may be put thereon for or in connection with manufacturing purposes by said Company, and all the plant, appliances, machinery, tools and other personal property of said Company during the period of 20 years from the 1st day of January, 1911, shall be exempt from Municipal taxation (save and except school taxes, local improvements, water rates and street watering) over and above the present assessment of \$44,160.00, upon the ratification and approval of said By-law by the electors of said Municipality, in accordance with "The Consolidated Municipal Act, 1903," and amending Acts, and the final passing thereof by this Council, and on the same being confirmed and validated by an Act of the Legislative Assembly of the Province of Ontario.

3. Said partial exemption from Municipal taxation is granted subject to the performance and observance by the Company of the terms and conditions contained in a certain agreement by and between the Company and the Corporation hereto annexed and forming part of this By-law. The Mayor is hereby authorized to execute and deliver the said agreement on behalf of this Corporation.

4. The votes of the electors of the Town of Gananoque shall be taken upon the said By-law on Monday, the 13th day of June, 1910, commencing at the hour of 9 a.m., and continuing till 5 p.m. on the same day, by the following Deputy Returning Officers and at the following places:—

For the West Ward: James B. McKenzie, Deputy Returning Officer, and Harry Barnes, Poll Clerk, at the American Hotel.

For the South Ward: Robert C. McCullough, Deputy Returning Officer, and Rex Cosh, Poll Clerk, at the Market Building.

For the North Ward: Freeman Britton, Deputy Returning Officer, and W. E. Meggs, Poll Clerk, at Freeman Britton's Office.

5. That the Mayor of the Municipality of the Town of Gananoque shall attend at the office of the Town Clerk, Thursday, the 9th day of June, 1910, at the hour of eleven o'clock in the forenoon, for the purpose of appointing, and shall appoint in writing, two persons to attend the final summing up of the votes given for and against this By-law, and for the purpose of appointing one person to attend at each polling place upon the day of the polling of said votes on behalf of the persons interested in and desirous of promoting the passing of this By-law, and of a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law, which place and hour are hereby fixed for said purpose.

6. That the Clerk of the Municipality shall, at the Clerk's Office, in said Town of Gananoque, on Tuesday, the 14th day of June, 1910, proceed to sum up the number of votes given for and against this By-law in accordance with the provisions of the statutes in that behalf.

Read and passed in Council a first and second time this 18th day of May, A.D. 1910.

Read third time and finally passed in Council this 21st day of June, A.D. 1910.

Given under our hands and seal of the Corporation and passed this 21st day of June, A.D. 1910.

(Sgd.) W. N. ROGERS,  
Mayor.

(L.S.)

S. MCCAMMON,  
Clerk.

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#### NOTICE.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration, and which will be finally passed by the Council of the Municipality (in the event of the assent of the electors being obtained thereto) after one month from the

first publication in the *Gananoque Journal*, the date of which first publication was Thursday, the 19th day of May, 1910; and in the *Gananoque Reporter*, the first publication of which was May 21st, 1910, and that the votes of the electors of said Municipality will be taken thereon on the day, at the hours and places and by the Deputy Returning Officers therein fixed.

S. MCCAMMON,

Clerk.

### SCHEDULE "B."

This Agreement made in duplicate this 18th day of May, A.D. 1910,

BETWEEN The D. F. Jones Manufacturing Company, of the Town of Gananoque, hereinafter called "The Company," of the first part, and

The Corporation of the Town of Gananoque, hereinafter called "The Corporation," of the second part.

Whereas the Company has represented to the Council of the Corporation that the Company is about to extend its works and manufacturing plant in the said Town, involving a proposed cash expenditure of not less than \$25,000.00;

And whereas the Company has applied to the Corporation for partial exemption of the property of the Company, real and personal, from municipal taxation (save and except taxation for school purposes, local improvements, water rates and street watering) for a period of 20 years from and including the 1st day of January, 1911, to the following extent and amount, that is to say, exemption of all the assessed value of such real and personal property of the Company, including all additional buildings, plant and machinery erected by them for manufacturing purposes, over and above the sum of \$44,160.00, and a By-law for said purpose has this day been introduced to the Council and passed the first and second readings;

And whereas the Company has agreed with the Corporation that if the said By-law shall be finally passed by the said Council, and the same ratified and confirmed by an Act of the said Legislature of the Province of Ontario, the Company will do and perform the several acts, matters and things, and observe the several covenants, provisos and stipulations in this Agreement more fully set out;

Now this Agreement, being the Agreement referred to in the said By-law, witnesseth that the Company and the Corporation mutually covenant and agree to and with each other in the manner following:—

1 That the Company agrees with the Corporation that if the said By-law shall be finally passed and legalized by an Act of the Legislative Assembly of the Province of Ontario, the Company will forthwith begin the expenditure of a sum of not less than \$25,000.00 upon their manufacturing plant and machinery in said Town of Gananoque, and that the same shall be fully expended thereon within eighteen months from this day, and the same shall thereupon be brought into active operation.

2. That from and after the completion of said expenditure the Company will continuously carry on in their said factories the business of manufacturing shovels or such other business as may

be carried on by them for and during a period of 20 years, save and except for such periods of cessation or shutting down (not to exceed the period of one month in any calendar year) as are ordinarily incident to the nature of the business, or shall be occasioned by unusual shortage of water or by strikes, to as great an extent and with as large a complement of men as have been employed by said Company on an average during the years 1908 and 1909.

3. In the event of the occurrence of a severe fire during said period of 20 years to said Company, said Corporation may allow said Company a reasonable time for such restoration of said plant as by them may be considered reasonable.

4. That the proposed expenditure to be made by said Company shall double the capacity of present factories of said Company in the Town of Gananoque.

5. It is agreed that notwithstanding the partial exemption from taxation granted by the said By-law, the real and personal property of said Company shall, during the said period of 20 years, be annually assessed in the same manner as if the said By-law had not been passed, and the rates or taxes rated thereon shall be duly entered in the Collector's roll of the said Town, but the said taxes (save and except taxation for school rates, local improvements, water rates and street watering) shall not be collected on any greater part of the said assessment than \$44,160.00, unless the Company shall make default in the terms, provisions and stipulations of this Agreement, in which case the whole of the taxes shall become due and payable, and may be collected by the said Corporation as if the said By-law had not been passed.

6. It is agreed that the auditors of the Corporation, or any person appointed by resolution of the Corporation for that purpose, shall have full and free access to the books of the Company in all departments and branches of its manufacturing business, so far as its output and sales are concerned, and may report on the same to said Council and shall further be entitled to ascertain that at least the sum of \$25,000 is spent as aforesaid in extension and increase of present plant of said Company, and that said Company shall, in each year of said term, employ as many men or pay as much wages as have been paid by said Company to its employees in their factories at Gananoque in 1908 and 1909.

7. It is agreed that the Corporation will apply for and support the application to the Legislative Assembly of the Province of Ontario confirming and validating the said By-law and this Agreement.

8. Said Company may withdraw from this Agreement at any time within three months from date, but not afterwards.

In witness whereof the proper Officer of the Company has set his hand and fixed the Corporate seal, and the Mayor of the Corporation has set his hand and caused to be affixed the seal of the Corporation, this 18th May, 1910.

(L.S.)

THE D. F. JONES MFG. CO., LIMITED,  
Per D. Ford Jones, Asst. Mgr.

(L.S.)

W. N. ROGERS,  
Mayor.

Signed, sealed and delivered in  
the presence of

C. J. WILSON  
As to the signature D. Ford  
Jones for D. F. Jones Co.

B. O. BRITTON  
As to the Mayor.

## CHAPTER 98.

## An Act respecting the City of Guelph.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Guelph has <sup>Preamble.</sup> by petition represented that the Council of the said Corporation has passed the By-laws specified in Schedule "A" hereto, providing for the issue of debentures to pay for the construction of certain works as local improvements, and it is expedient that each of the said By-laws and all debentures issued or to be issued under any of them and all assessments made or to be made for the payment thereof should be confirmed in order that the debentures issued thereunder might be more readily and profitably disposed of; and that on August 21st, 1905, it was arranged between the Council of the said City of Guelph and the Homewood Sanitarium of Guelph, Ontario, Limited, (as evidenced by resolution of said Council of said date), that the latter should have a fixed assessment on the property owned by them at that time in the City of Guelph, of \$10,000.00 per annum for the term of ten years and that the said arrangement has been carried out down to December 31st 1911; and it is expedient in view of the said arrangement and the carrying out thereof as aforesaid that the said resolution and what has been done thereunder to December 31st, 1911, be confirmed and that the said Council be authorized to pass a By-law to provide for a fixed assessment of the said property of \$10,000.00 per year exclusive of school taxes and local improvement rates for the balance of the said term of ten years; and by the said petition it is further represented that it is considered expedient by the Council of the said Corporation that authority be given to the said Council to pass a By-law with the consent of the electors to provide for combining the following civic departments of the said City, namely: The Boards of Commissioners of Water Works, of Light and Heat (including Gas) and of Sewerage and Public Works or any two or more of them into one Commission or Board with power also to add to the combined Board the Directors of the Guelph Radial Railway Company; and whereas such Railway Company for nearly ten years has been, and now is, operated under a Board

Board of Directors annually appointed by the Council of the said City Corporation; and whereas the said Corporation has prayed that an Act of the Legislature be passed for the purposes hereinbefore set forth; and whereas it is expedient to grant the prayer of the said petition;

THEREFORE His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws in  
Sched. "A"  
confirmed.

1. The By-laws in Schedule "A" hereto and all debentures issued or to be issued thereunder or in pursuance thereof and all assessments made or to be made for the payment thereof are confirmed and declared to be legal, valid and binding.

Assessment  
of property  
of Home-  
wood San-  
itarium  
fixed at  
\$10,000.

2. The said resolution of the Council of the Corporation of the City of Guelph, dated August 21st, 1905, providing for a fixed assessment of \$10,000.00 per annum for the term of ten years, of the property of the Homewood Sanitarium of Guelph, Ontario, Limited, owned by them at that time in the City of Guelph, and what has been done thereunder up to December 31st, 1911, is hereby confirmed, and in order to give effect thereto for the balance of the said term of ten years commencing from December 31st, 1911, the said Council is hereby empowered and authorized to pass a By-law to provide for a fixed assessment of the property of the Homewood Sanitarium, of Guelph, Ontario, Limited, set out in Schedule "B" hereto, of \$10,000.00 per year exclusive of school taxes and local improvement rates for the term of four years from December 31st, 1911, and taxes shall from and after the said date be payable to the City upon the said property for the said term of four years accordingly.

Power to  
amalgamate  
certain  
Boards of  
Commis-  
sioners.

3.—(1) The Council of the Corporation of the City of Guelph may pass a by-law to combine:—The Board of Commissioners of Water Works, The Board of Light and Heat Commissioners, and The Board of Sewerage and Public Works Commissioners, or any two of them under one Board and may also by by-law provide that the members of any such combined Board shall be *ex officio* Directors of the Guelph Radial Railway Company and shall exercise all the powers of such Directors, such combined Board to be known as "The Guelph Public Utilities Commission," provided that no such by-law shall have any force until the same has received the assent of the electors qualified to vote on money by-laws as provided by *The Municipal Act*, and if such by-law provides for combining the Boards of Commissioners of Water Works

and



and Light and Heat Commissioners only, then the provisions of sections 35 to 42 of *The Public Utilities Act* shall apply to such combined Board so far as applicable, and if such by-law provides for combining the Board of Commissioners of Sewerage and Public Works with the Boards of Commissioners of Waterworks and of Commissioners of Light and Heat, or either of them, then the provisions of the said sections 35 to 42 shall apply to such combined Board so far as applicable, subject as regards Sewerage and Public Works to the proviso contained in section 4 of the Act passed in the first year of His Majesty's reign, chaptered 90.

(2) If the said by-law provides not only for combining the said three Boards of Commissioners, but for joining thereto the Board of Directors of the Guelph Radial Railway Company then the said sections of *The Public Utilities Act* and of the said Act chaptered 90 shall apply to the said combined Board so far as Water Works, Light and Heat and Sewerage and Public Works are concerned, but so far as the Guelph Radial Railway is concerned the following provisions shall apply, namely, that the Commissioners to be elected as Commissioners of the combined Board aforesaid shall together with the Mayor for the time being be *ex officio* Directors of the Guelph Radial Railway Company and shall as such Directors exercise the Corporate rights and powers of such Company heretofore conferred upon the Directors thereof or which may hereafter be conferred upon such Directors, and that the Corporate status of the Company shall be maintained and the said Commissioners as such *ex officio* Directors of the Railway Company shall have and exercise all the corporate rights and powers of the Railway Company which may appertain to or may be exercised by Directors thereof.

(3) From and after the first election of members of the said combined Board to be held under this Act, the then members of any Boards of Commissioners so combined shall cease to hold office and shall be superseded by the Commissioners elected under this Act, who shall possess, enjoy and exercise all the rights, powers and privileges, and shall perform all the duties of the Commissioners so superseded; and if by the terms of the by-law passed under the authority of this Act, the members of said combined Board so elected under this Act are constituted *ex officio* directors of the Guelph Radial Railway Company, the then existing members of the Board of Directors of the said Guelph Radial Railway Company shall cease to hold office and shall be superseded by the Commissioners elected under this Act.

Power to  
acquire or  
expropriate  
land for  
winter fair  
building.

4. . The council of the corporation of the City of Guelph may pass a by-law or by-laws for acquiring or expropriating such land as may be required for an addition to the Winter Fair Building in the City of Guelph, paying such compensation therefor as may be agreed upon, or in default of agreement as may be determined by arbitration under the provisions of *The Municipal Act*, and the said council may pass a by-law or by-laws to raise money by the issue of debentures for the purpose of paying the price or making the compensation required to be paid or made for the taking or acquiring of the said land, the amounts so to be raised and the debentures to be issued therefor, not to exceed the sum of \$25,000, the same to be payable within twenty years from the time of the issue of the debentures, the interest to be at such rate and payable at such times as the Council may determine; and it shall not be necessary that any by-law or by-laws to be passed for the issue of debentures in pursuance hereof shall receive the assent of the electors of the said City provided such by-law or by-laws shall have been passed by the vote of two-thirds of the members of the City Council present at any regular meeting thereof and shall in all respects comply with the requirements of *The Municipal Act* with respect to by-laws creating debts.

## SCHEDULE "A."

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amt. to be borne by City.	Amt. to be borne by ratepayers.	Period of payments.
901	To provide for borrowing \$3,131.70 by the issue of Local Improvement Debentures to pay for the construction of a Tar Macadam Pavement on Woolwich Street, from Wyndham Street to McDonnell Street East, in the City of Guelph. ....	April 1st, 1912.	\$3,131 70	\$1,049 69	\$2,082 01	5
902	To provide for borrowing \$7,594.99 by the issue of debentures to pay for improving Woolwich Street from Wyndham Street to McDonnell Street East, by grading, constructing storm drains therein and laying down concrete curbs, gutters and base thereon. ....	April 1st, 1912.	7,594 99	3,732 38	3,862 61	20
923	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$8,644.05, and to borrow the same by the issue of debentures therefor .....	April 15th, 1912.	8,644 05	.....	8,644 05	30
925	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$1,139.85, and to borrow the same by the issue of debentures therefor .....	April 15th, 1912.	1,139 85	.....	.....	20
995	To provide for borrowing \$3,840.45 by the issue of Local Improvement Debentures to pay for improving Oxford Street, from Norfolk Street to Glasgow Street by grading, constructing storm drains therein and laying down concrete curbs, gutters and base thereon. ....	Dec. 27th, 1912.	3,840 45	1,397 60	2,442 85	20

SCHEDULE "A."—*Continued.*

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amt. to be borne by City.	Amt. to be borne by ratepayers.	Period of payments.
1010	To provide for borrowing \$3,075.86 by the issue of Local Improvement Debentures to pay for the construction of a Tarlitic pavement on Oxford Street from Norfolk Street to Glasgow Street in the City of Guelph. ....	Dec. 27th, 1912.	3,075 86	680 53	2,395 33	5
1012	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$2,204.94, and to borrow the same by the issue of debentures therefor. ....	Dec. 27th, 1912.	2,204 94	.....	.....	20
1013	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$3,143.76, and to borrow the same by the issue of debentures therefor. ....	Dec. 27th, 1912.	3,143 76	.....	3,143 76	30
796	For borrowing money by the issue of debentures secured by Local Special rates for the construction of sewers as herein set forth. ....	Dec. 27th, 1910.	11,946 65	.....	.....	30

## SCHEDULE "B."

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being composed of:—

FIRSTLY:—Part of Lot No. 13, in the first range of Division "F" and of part of Lot No. 2 in the broken front of said Division "F," and also of a portion of the original road allowance between Lot 13 aforesaid and said broken front Lot 2, known as King Street, all formerly in the Township of Guelph, but now within the limits of the City of Guelph, and which parcels or tracts of land and premises may be better known and described as follows, that is to say:—Commencing where a post has been planted in the Southerly boundary of Delhi Street, twenty-four chains and ninety-six links more or less from a stone monument placed where the said Southerly boundary of Delhi Street intersects the North-westerly boundary of said City; thence South forty-five degrees West, eleven chains more or less to the high water mark of the River Speed; thence down stream along the said high water mark five chains more or less to a point in the said high water mark where the South-easterly boundary of said Lot No. 13, if produced would intersect the said high water mark; thence North forty-five degrees, East ten chains and fifty links more or less to the Southerly boundary of Delhi Street; thence along the Southerly boundary of Delhi Street, North forty-five degrees, West five chains more or less to the place of beginning containing by admeasurement five and 35-100 acres more or less.

SECONDLY:—Part of broken front Lot No. 2, parts of Lots Nos. 11 and 12 in the first range, Division "F" and part of the original road allowance between said broken front and said First Range containing 13 and 83-100 acres, all formerly in the Township of Guelph, but now within the limits of the City of Guelph, better known and described as follows:—Commencing at a point in the North-easterly limit of the River Speed, where the centre line of Pipe Street produced from the Southerly side of said River intersects the same; thence extending North-easterly at right angles to Delhi Street fifteen chains, fifteen links more or less to the centre of a stone planted at the South side of Delhi Street; thence along the said Southerly limit of Delhi Street, eleven chains, sixteen and a half links; thence South-westerly at right angles to said last mentioned street, ten chains fifty links to the high water mark of the said River, passing over the centre of a stone about one chain from the water; thence South-easterly following the various windings of said River to the place of beginning.

THIRDLY:—Lot Number One in Mitchell's Survey (registered Plan No. 221), in the City of Guelph, containing eight and 61-100 acres.

Together with all buildings, erections, plant, machinery and equipment erected or placed upon the said lands on the 31st day of December, 1905, or during ten years from that date.

## CHAPTER 99.

## An Act respecting the City of Hamilton

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS, the Corporation of the City of Hamilton, has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and where-as it is expedient to grant the prayer of said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
expend  
\$15,000 for  
centennial  
celebration.

1. The Corporation of the City of Hamilton may, in making estimates of the sums which will be required for the purposes of the municipality for the year 1913, place in such estimates and appropriate an amount not exceeding the sum of \$15,000 for the purpose of holding a Centennial Celebration during the summer of 1913 to commemorate the 100th anniversary of the founding of the said City; and may out of such appropriation, make a grant to the "Hamilton Centennial Industrial Exposition" of such amount as the Council of the said Corporation may determine.

Power to  
borrow for  
certain pur-  
poses with-  
out assent  
of electors.

2.—(1) The Council of the Corporation of the City of Hamilton may, without submitting the same to the rate-payers qualified to vote on by-laws for the creation of debts, pass by-laws authorizing the issue of debentures as follows:

- (a) For an amount not exceeding \$50,000 for the purpose of completing the purchase of certain lands for the extension of the Parks System of the said City;
- (b) For an amount not exceeding \$25,000 for the completion of the erection of the Hospital for sick children; and

(c)

- (c) For an amount not exceeding \$25,000 for the completion of the improvements and additions to the City Hall for offices of the Hydro-Electric Department;

and for such purposes to issue debentures of the said Corporation in sums of not less than \$100 each, the principal to be payable in twenty years at the furthest from the time or times when such debentures are issued, and to raise and levy annually by special rate on all the rateable property in the said municipality such sum or sums as may be necessary for payment of the said debts and interest.

(2) The debentures to be issued under by-laws passed under this section may be dated the 1st day of April, 1913, and may bear interest computed from that date, payable yearly or half yearly, and at such rates as the Council of the said Corporation may determine.

3. The Council of the Corporation of the City of Hamilton may, by by-law passed by a three-fourths vote of the full Council, provide that the annual cost of cleaning, watering, oiling, and flushing on any street, or any one or more of such services, shall be specially assessed upon the property abutting directly on such streets according to the assessed value of such property, and the by-law shall remain in force from year to year until repealed.

Date of  
debentures.

Power to  
assess cost  
of cleaning,  
watering  
and oiling  
streets.



## CHAPTER 100.

## An Act respecting the Town of Kenora.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS the Municipal Corporation of the Town of Kenora has by its petition represented that it has incurred debts for the sum of \$908,885.11, for the following purposes: Waterworks \$181,773.60; Public Schools \$19,234.00; High Schools, \$32,000.00; Public Improvements of a permanent character, \$40,684.46; Electric Light and Telephone Plant, \$51,907.53; Hydro-Electric Light and Power Plant, \$535,092.60; Fire Hall and Appliances, \$40,000.00; Town's share of local improvements, \$8,192.33, for which debentures have from time to time been issued, all of which, with interest, will become due and payable within the next thirty years as set forth in Schedule "A" hereto, and no part either of principal or interest is in arrear; That sinking funds amounting to \$54,600.00 have been provided for the payment of the said debentures, particulars of which are also set forth in the said Schedule; and whereas the said Corporation has by its petition represented that the objects for which the said debts were contracted are of a permanent character and that to pay off the said debts with interest as the same become due, in addition to the ordinary annual expenditures and burdens, would be unduly oppressive to the ratepayers; And whereas the said Corporation has prayed that the said debenture debts be consolidated, and that it may be authorized to issue consolidated debt debentures, from time to time, not exceeding in the whole the sum of \$908,885.11, for the redemption of the said debts, such consolidated debt debentures to become due and payable at the expiration of forty years from the thirty-first day of December, 1913, and to form a sinking fund, to be called the Consolidated Sinking Fund, for the payment of such consolidated debt debentures; and whereas the said Corporation has by its said petition further represented, that in order to meet the sanitary requirements of the inhabitants of the Municipality, it is necessary to

construct

construct a system of sewerage and a plant for the disposal of the sewage therefrom; that the estimated lifetime of the said system and plant would exceed forty years; that to pay for such works in less than forty years would be unduly oppressive to the ratepayers; and whereas the said Council has by its said petition prayed that the Council may be authorized to pass a By-law or By-laws without the assent of the electors, providing for the construction of such system of sewerage and plant for the disposal of sewage, and for borrowing money to pay therefor upon debentures payable at the expiration of forty years, and imposing rates to pay such debentures; and whereas the said Corporation has by its said petition further represented that the Council by a three-fourths vote of all the members thereof passed By-law No. 573 without the assent of the electors, authorizing the issue of debentures for the sum of \$25,000.00 to pay for extensions of and improvements to the system of waterworks and that such extensions and improvements were necessary, and that an additional revenue will be derived from the waterworks and extensions thereof sufficient to meet the annual special rate to pay the debt and interest, but such increased revenue will be derived largely from the increased capacity of the works, and doubts have arisen as to the power of the Council to pass said By-law with the approval of The Ontario Railway and Municipal Board, and as to the validity of the debentures to be issued thereunder, and the said Corporation has by its said petition prayed that the said By-law as set forth in Schedule "D" hereto and the debentures issued or to be issued thereunder may be confirmed and included in the said consolidated debt, and that the interest thereon may be increased; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debenture debts of the Corporation of the Town of Kenora, the particulars of which are set forth in Schedule "A" hereto, are hereby consolidated at the sum of \$908,885.11, and the said Corporation is hereby authorized to deal with and provide for payment of the same as hereinafter provided.

2. The Council of the Corporation of the Town of Kenora is hereby authorized, from time to time, to borrow such sum or sums of money upon debentures of the said Corporation as may be required to pay the said debenture debts so consolidated, as they become due, and for that purpose to pass a By-law or By-laws providing for the issue of debentures,

Debenture  
debts con-  
solidated.

Power to  
borrow  
\$908,885  
issue of  
debentures.

Specific  
sum to be  
raised  
annually.

Assent of  
electors not  
required.

tures, to be called Consolidated Debt Debentures, not exceeding in all the said sum of \$908,885.11, payable on the thirty-first day of December, 1953, and bearing interest payable half yearly at such rate as the Council may deem expedient. Every such By-law shall by recital or otherwise, state a sufficient specific sum to be raised annually for paying the interest upon the Consolidated Debt Debentures thereby authorized to be issued, and shall provide that such sum shall be raised annually for the payment of such interest by a special rate sufficient therefor, over and above all other rates on all the rateable property in the Municipality, but no such By-law shall provide for raising any sum for the payment of such debentures when due; It shall not be necessary that any such By-law shall be submitted to or receive the assent of the electors, or that any such By-law shall comply with the requirements of any Municipal Act respecting By-laws for contracting debts. Such By-laws may be in the form set forth in Schedule "B" hereto or to the like effect.

Purchase of  
outstanding  
debentures.

**3.** The Council of the Corporation of the Town of Kenora is hereby authorized to pay or purchase the debentures referred to in Schedule "A" hereto, from time to time, before the maturity thereof, with the consent of the holder thereof, at such price as may be agreed upon with such holder, payable in money or by exchanging consolidated debt debentures therefor, and for the purpose of carrying into effect the provisions of this Section, the Council may from time to time pass a By-law or By-laws and issue consolidated debt debentures in the manner provided by this Act, and sell such debentures or exchange the same for outstanding debentures so purchased.

Agreement  
with bank  
for tem-  
porary  
advances.

**4.** The Council may from time to time, agree with any Bank or person for a temporary advance or temporary advances on the credit of the Corporation to pay any of the debentures referred to in Schedule "A" when the same become due, pending the issue and sale of consolidated debt debentures for the required amount, and may in any such case defer the passing of a By-law and the issue of consolidated debt debentures accordingly; or the Council may issue consolidated debt debentures and pledge the same, as security for such temporary advance or advances; Such temporary advances as aforesaid shall be paid out of the moneys arising from the sale of such consolidated debt debentures, and the deficiency, if any, shall be paid out of the current revenue of the Town for the same or the next following year.

5. In the event of the Council at any time passing a By-law providing for the issue of consolidated debt debentures required for the purposes set forth in the preceding sections of this Act, but the debentures provided for are not issued at the time when the same are required, the Council may issue such consolidated debt debentures at a subsequent time; and in the event of the Council, at any time, not passing a By-law providing for the issue of consolidated debt debentures when such debentures are required for the purposes set forth in this Act, the Council may pass such By-law and issue consolidated debt debentures thereunder at a subsequent time.

6. The consolidated debt debentures issued under any By-law passed under the authority of this Act, shall all bear the same date and may bear any date within two years after the time the By-law was passed, and shall have interest coupons attached thereto, and the signatures to the coupons may be printed, stamped, lithographed or engraved, such debentures may as to both principal and interest be expressed in Canadian Currency or Sterling money of Great Britain, at the rate of one pound Sterling for each four dollars and eighty-six and two-thirds cents; such debentures may be in the form set forth as Schedule "C" hereto or to the like effect.

7.—(1) The Corporation of the Town of Kenora shall create and maintain a sinking fund, to be called The Consolidated Sinking Fund, for the payment of the consolidated debt debentures issued under the authority of this Act at the maturity thereof, in the following manner: An account to be called "The Consolidated Sinking Fund" account, and such further and other accounts and records as may be required for the said sinking fund, shall be opened and kept in the books of the said Corporation; the sinking funds referred to in the preamble to this Act and in Schedule "A" hereto, amounting to \$54,600.00, shall be transferred to the credit of the said Consolidated Sinking Fund account and shall form part of the Consolidated Sinking Fund; during forty years, commencing with the year 1913, the sum of \$8,160.08 shall be raised annually for the said consolidated sinking fund as follows: The sum of \$7,957.67 shall be raised by a special rate sufficient therefor, to be called the Consolidated Debt Rate, over and above all other rates on all the rateable property in the Municipality, and the sum of \$202.41 shall be raised by a special rate sufficient therefor, to be called the Consolidated Debt Rate (Schools), over and above all other rates upon all the taxable property of the public school

supporters in the Municipality, at the same time and in the same manner as other rates; all moneys arising from such special rates shall be placed to the credit of the said Consolidated Sinking Fund Account and shall form part of such sinking fund.

Annual statement of treasurer as to sinking fund.

(2) The Treasurer shall on or before the fifteenth day of March in each year prepare and submit to the Council a full and particular statement of the said sinking fund, in which shall be shown the amount of money collected and received from the Consolidated Debt Rate for the preceding year, and the amount of such rate, if any; remaining unpaid.

Payment of sinking fund to Provincial Treasurer.

(3) The said sum of \$54,600.00 shall be paid by the treasurer of the municipality to the Treasurer of the Province before the first day of July, 1913, and the said annual amount of \$8,160.08 shall on or before the first day of April in each year be paid by the municipal treasurer to the Treasurer of the Province, so long as interest thereon at the rate of four per centum per annum compounded yearly is allowed thereon.

(4) The Council shall pass a By-law providing for carrying the provisions of this section into effect, and it shall be the duty of the Council to see that the provisions of this section and of such By-law are duly observed, performed and carried into effect.

Levy of rate for principal of outstanding debentures not required.

8. The Corporation of the Town of Kenora shall not be required to levy or collect the special rate or rates provided for in the several By-laws referred to in Schedule "A" hereto, in so far as the same provide for the payment of the principal of the debts hereby consolidated, but this shall not be taken to relieve the said Corporation from the obligation to levy and collect the said rate or rates so far as the same provide for the payment of the interest on the said debts, until the debentures securing such debts shall have been paid or retired, and nothing in this Act contained shall be held to discharge the said Corporation from any indebtedness or liability not included in Schedule "A" hereto and hereby consolidated.

Authority to construct sewerage system and disposal plant.

9. The Council of the Corporation of the Town of Kenora may from time to time pass a by-law or by-laws with the assent of the electors qualified to vote on money by-laws for borrowing money to pay for the construction of a system of sewerage and for extensions thereof and for a plant for the disposal of the sewage therefrom and to issue debentures therefor payable at any time not exceeding forty years from the time or times when the same are issued.

10. The provisions of any Special Act of this Legislature exempting or partially exempting any lands or property in the Municipality from taxation, shall apply to the special rates authorized by this Act, and regard shall be had thereto in fixing the amount of the said rates and in collecting the same, but any By-law imposing any such rate may impose the same generally upon all the rateable property in the Municipality.

Case of  
Special Acts  
in exempting  
land from  
taxation.

11. By-law No. 573 of the Council of the Corporation of the Town of Kenora as set forth in Schedule "D" hereto, and all debentures issued or to be issued thereunder and substantially complying with the provisions thereof, are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and it shall not be necessary for the purchaser of any such debentures to inquire into the proceedings taken in the passing of said By-law. The council may pass a by-law amending said by-law No. 573 by increasing the rate of interest on the said debentures and increasing the rate to pay the same, and such by-law shall not require to be submitted to or receive the assent of the electors of the municipality. The debt authorized by the said by-law shall be included in Schedule A with the debts consolidated by this Act and form part of the consolidated debt.

By-law 373  
to borrow  
\$25,000 for  
extension of  
waterworks  
confirmed.

12. Any By-law passed under the provisions of this Act under which any debt has been created or any debentures have been issued, shall not be repealed until such debt has been paid, but any such By-law may be amended to make the same comply with the requirements of this Act.

By-law not  
to be  
repealed  
until debt  
satisfied.

13. This Act may be cited as "*The Town of Kenora Act*, 1913."

Short title.

SCHEDULE "A."

WATERWORKS.

No. of By-law.	When payable.	Total.	Sinking Fund.
205	1913 to 1927	\$ 48,223 37	
248	1913 to 1929	52,765 71	
316	1913 to 1931	15,190 74	
373	1913 to 1935	26,056 61	
482	1913 to 1940	14,537 17	
573		25,000 00	
Total.....		\$181,773 60	



## PUBLIC SCHOOLS.

No. of By-law.	When payable.	Total.	Sinking Fund.
142	1913 to 1914	\$ 447 62	
184	1913 to 1916	3,699 04	
223	1913 to 1918	7,714 52	
456	1913 to 1919	1,873 41	
514	1942	5,500 00	
Total.....		\$ 19,234 59	

## HIGH SCHOOLS.

No. of By-law.	When payable.	Total.	Sinking Fund.
513	1942	\$ 32,000 00	

## PUBLIC IMPROVEMENTS.

No. of By-law.	When payable.	Total.	Sinking Fund.
169	1913 to 1915	\$ 2,185 18	
200	1913 to 1917	13,499 28	
519	1932	25,000 00	
Total.....		\$ 40,684 46	

## ELECTRIC LIGHT—TELEPHONE.

No. of By-law.	When payable.	Total.	Sinking Fund.
325	1913 to 1932	\$ 51,907 53	

## HYDRO-ELECTRIC AND POWER PLANT.

No. of By-law.	When payable.	Total.	Sinking Fund.
388	1936	\$200,000 00	\$ 27,192 18
396	1937	100,000 00	11,159 09
420	1937	75,000 00	8,369 37
481	1940	125,092 60	5,337 58
520	1942	35,000 00	
Total.....		\$535,092 60	\$ 52,058 22

## FIRE HALL AND APPLIANCES.

No. of By-law.	When payable.	Total.	Sinking Fund.
521	1932	\$ 40,000 00	

## TOWN'S SHARE LOCAL IMPROVEMENTS.

No. of By-law.	When payable.	Total.	Sinking Fund.
270	1913 to 1919	\$ 1,544 12	
297	1920	3,230 62	\$ 1,719 36
381	1924	3,417 59	822 65
Total.....		\$ 8,192 33	\$ 2,542 01

Total debenture debt to be consolidated \$908,885 11  
Amount at credit of sinking fund on  
31st December, 1912 ..... 54,600 00

## SCHEDULE



## SCHEDULE "B."

## TOWN OF KENORA.

## By-law No.

A By-law to provide for the issue of Consolidated Debt Debentures for \$

WHEREAS the Municipal Council of the Corporation of the Town of Kenora is authorized by the Town of Kenora Act, 1913, from time to time, to pass by-laws providing for the issue of Consolidated Debt Debentures, not exceeding in all the sum of \$908,885.11, for the purposes mentioned in the said Act, payable on the thirty-first day of December, 1953.

AND WHEREAS Consolidated Debt Debentures have heretofore been issued to the amount of \$ and no more.

AND WHEREAS Consolidated Debt Debentures for the sum of \$ are required for the purposes set forth in the said Act, and it is expedient to provide for the issue of such debentures for that sum, bearing interest at the rate of per cent. per annum.

AND WHEREAS the payment of the principal of the said debentures when the sum become due is provided for by the Consolidated Sinking Fund, but it will be necessary to raise annually \$ for the payment of the interest on the said debentures.

AND WHEREAS the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$

THEREFORE the Municipal Council of the Corporation of the Town of Kenora enacts as follows:

1. That for the purposes authorized by the Town of Kenora Act, 1913, Consolidated Debt Debentures shall be issued for the sum of \$ , in sums of not less than \$100.00 each, payable on the thirty-first day of December, 1953.

2. The said debentures shall all bear the same date and may bear any date within two years after the day on which this by-law is passed, and shall bear interest at the rate of per centum per annum, payable half-yearly on the thirtieth day of June and the thirty-first day of December in each year, and shall have coupons attached thereto for the payment of the interest.

3. The said debentures, as to both principal and interest may be expressed in Canadian currency or in sterling money of Great Britain, at the rate of One Pound Sterling for each four dollars and eighty-six and two-thirds cents, and may be made payable at any place or places in Canada or Great Britain.

(NOTE.—If so desired the place or places of payment may be named in the by-law and substituted for the words "any place or places in Canada or Great Britain" after the word "at.")

4. The Mayor of the Corporation shall sign and issue the said debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The signatures or either of them to the interest coupons may be written, printed, stamped, lithographed or engraved.

5. During the currency of the said debentures \$ shall be levied and raised annually for the payment of the interest thereon by a special rate sufficient therefor over and above all other rates

on

on all the rateable property in the municipality at the same time and in the same manner as other rates.

6. The debentures may contain any clause providing for the registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

7. This By-law shall take effect on the day of the final passing thereof.

Passed this                      day of                      19

(Seal of  
Corporation.)

Mayor.

Clerk.

## SCHEDULE "C."

### CANADA

### PROVINCE OF ONTARIO.

No. .... *Town of Kenora* \$ .....  
*Consolidated Debt Debenture.*

The Corporation of the Town of Kenora hereby promises to pay to the bearer the sum of                      dollars and cents of lawful money of Canada, at the Office of the                      in                      on the thirty-first day of December, 1953, and to pay interest thereon in the meantime at the rate of                      per centum per annum half-yearly on the thirtieth day of June and the thirty-first day of December in each year to the bearer of the annexed coupons, upon presentation thereof at the said Office as they become due.

This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry, by the Treasurer or his Deputy, in the Debenture Registry Book of the said Corporation at the said Town of Kenora.

(NOTE.—Any clause providing for the registration of this debenture, authorized by any statute relating to Municipal Debentures in force at the time of issue, may be substituted for the foregoing clause.)

Dated at the Town of Kenora this                      day of                      one thousand nine hundred and

In testimony whereof and under the authority of By-law No.                      of the Municipal Council of the Corporation of the Town of Kenora passed on the                      day of                      19                      this debenture is sealed with the Seal of the said Corporation and signed by the Mayor and Treasurer thereof.

.....  
Treasurer.

CONSOLIDATED

CONSOLIDATED DEBT  
DEBENTURE NO.....

By-law No. ....

Coupon No. ....

The Corporation of the Town of Kenora will pay to the bearer  
at the Office of  
in  
on the 31st day of December, 19                      , the sum of \$  
interest due on that date on the above debenture.

.....

Mayor.

\$.....

.....

Treasurer.

CONSOLIDATED DEBT  
DEBENTURE NO.....

By-law No. ....

Coupon No. ....

The Corporation of the Town of Kenora will pay to the bearer  
at the Office of  
in  
on the 30th day of June, 19                      , the sum of \$  
interest due on that date on the above debenture.

.....

Mayor.

\$.....

.....

Treasurer.

SCHEDULE "D."  
BY-LAW NO. 573.

A By-law to provide for the issue of debentures  
of the Town of Kenora to the amount of \$25,000,  
to raise the sum required for the purpose of  
extending and improving the system of Water-  
works.

WHEREAS the Council of the Town of Kenora deem it necessary  
and expedient to make further extensions and improvements in  
its system of waterworks, and it will be necessary to borrow, on  
the credit of the Municipality of the Town of Kenora aforesaid, for  
such purposes, the sum of \$25,000 required to be raised under this  
By-law for the purposes aforesaid, said sum of \$25,000 to be repay-  
able within thirty years with interest at the rate of five per centum  
per annum, payable annually.

AND WHEREAS in order thereto it will be necessary to issue  
debentures of the municipality for the sum of \$25,000, as herein-  
after provided (which is the amount of the debt intended to be  
created by this By-law), the proceeds of such debentures to be  
applied to the purposes aforesaid and no other.

AND WHEREAS owing to the separated portion of the West  
Ward of the Town of Kenora and its physical features, it is im-  
possible to construct waterworks in that Ward without very great  
expense

expense, wherefore the said works will only serve the Centre, North and South Wards of the said municipality.

AND WHEREAS Chapter 62 of 50 Victoria, amended by 55 Victoria, Chapter 83, section 20, provided for exemption under certain conditions of certain property in the municipality, west of the second outlet of the Lake of the Woods, which comprises the West Ward of the Town of Kenora, as defined by 55 Victoria, Chapter 83 from assessment for any rates for the purpose of raising money for the payment of debentures which may be issued by the municipality.

AND WHEREAS Chapter 71 of 7 Edward VII., section 8, provides:

"8. The Corporation of the Town of Kenora is hereby authorized and empowered to, from time to time, pass by-laws for the extension or improvement of its system of waterworks, and to from time to time borrow money required therefor by the issue of debentures of the said town, and to provide in the said by-laws that the moneys required to be levied for the payment thereof shall be levied only upon the rateable property in the Centre, North and South Wards of the said municipality."

AND WHEREAS the total amount required by the Municipal Act to be raised annually by special rate on all the rateable property in the Centre, North and South Wards in the municipality for paying the said debt and interest is the sum of \$1,775.48, whereof \$1,250.00 is to be raised annually for payment of interest during the currency of the said debentures, and \$525.48 is to be raised annually for the purpose of creating a Sinking Fund for payment of the debt secured by the said debentures.

AND WHEREAS the amount of the whole rateable property of the said municipality, according to the last Revised Assessment Roll, is the sum of \$3,333,745.00, the amount of the rateable property in the Centre, North and South Wards being \$3,102,675.00.

AND WHEREAS the amount of the existing debenture debt of the said municipality is \$731,245.41, and no part of the principal or interest is in arrears.

AND WHEREAS for paying the said debt of \$25,000.00 hereby created and interest thereon at the rate of five per cent. per annum an annual special rate sufficient therefor shall be levied and collected in addition to the other rates to be levied and collected in each year upon the whole rateable property in the Centre, North and South Wards in the Municipality of the Town of Kenora.

THEREFORE the Municipal Council of the Corporation of the Town of Kenora in Council assembled, enacts as follows:

1. That it shall and may be lawful for the Corporation of the Town of Kenora to borrow on the credit of the Corporation the said sum of \$25,000.00 for the purpose above set out, and for the purpose of raising the said sum, debentures of the said town to the amount of \$25,000.00 as aforesaid shall be issued in the sums of not less than \$1,000 each on the 1st day of December, 1912, each of which debentures shall be dated on the 1st day of December, 1912, and shall be payable on the 30th day of November, 1942, at the Imperial Bank of Canada in the Town of Kenora.

2. Each of the said debentures shall be signed by the Mayor and Treasurer of the said Town of Kenora, and the Clerk of the said town shall attach thereto the Corporate seal of the municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum, payable yearly at the said Imperial Bank of Canada at Kenora, on the 1st day of December in each and

every year during the currency thereof, except for the last year, which shall be payable on the 30th day of November, 1942, and the said debentures shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Mayor and Treasurer.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the Centre, North and South Wards in the said Town of Kenora the said sum of \$1,250.00 for the payment of interest on the said debentures, and the said sum of \$525.48 for the purpose of creating a Sinking Fund for payment of the debt hereby created, making in all the sum of \$1,775.48 to be raised annually by special rate as aforesaid, during each of the said thirty years.

5. This By-law shall take effect on the 1st day of December, 1912,

Done and passed in open Council this 25th day of November, 1912.

(Sgd.) J. T. BRETT,  
Mayor.

M. McCULLOCH,  
Clerk.

## CHAPTER 101.

An Act to confirm By-law No. 719 of the  
County of Lanark.*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Corporation of the County of Lanark has by petition represented that on the Twenty-eighth day of June, A.D. 1902, By-law Number 486 was passed for the purpose of assuming and designating the roads to be assumed or improved by the County under the provisions of the Act passed in the First year of the reign of His Late Majesty, King Edward the Seventh, chaptered 32, and intituled "An Act for the improvement of Public Highways," and the plan of road improvement so adopted by By-law so approved by the Lieutenant-Governor in Council; and whereas the amount of the expenditure authorized by the said By-law was \$65,000; and whereas the said sum being found not to be sufficient for the purpose of constructing the said roads, on the Twenty-third day of November, A.D. 1907, By-law Number 613 of the said County was passed authorizing the further expenditure of \$25,000, to complete the said roads; and whereas there has been an additional expenditure up to the Thirty-first day of December, A.D. 1912, amounting to \$85,847.51 for the purpose of building and improving the roads assumed and designated as aforesaid making a total expenditure for the Good Roads system in the County of Lanark of \$175,847.51; and whereas the Government of Ontario has paid out of the Consolidated Revenue Fund of the said Corporation of the County of Lanark up to the Thirty-first day of December, A.D. 1911, its proportion pursuant to the said Act amounting to \$55,924.83; and whereas the said Corporation has not followed the proper procedure in providing for the expenditure in excess of the said sum of \$90,000; and whereas the said Corporation on the Thirtieth day of January, A.D. 1913, passed By-law number 719 approving of the expenditure of the said sum of \$85,847.51 and authorizing and approving of the expenditure of a further estimated sum of \$40,000, necessary to complete the assumption of improvement of the said County Road System making in all a total expenditure of \$215,847.51 when the said Road System is completed;

completed; and whereas the said Corporation has by petition prayed that the said By-law number 719 may be confirmed and declared to be legal, valid and binding; and whereas it is expedient to grant the prayer of the said Petition:—

THEREFORE His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1.—(1) By-law number 719 of the Corporation of the County of Lanark set out as Schedule “A” hereto, is ratified, confirmed and declared legal, valid and binding on the said Corporation and the ratepayers thereof and shall be deemed to authorize the said Corporation to make a further expenditure of \$40,000. <sup>By-law 719 confirmed.</sup>

(2) Such further expenditure of \$40,000, may be made on the roads and parts of roads designated in the said By-law or on such other parts of them or on such other roads or parts of roads as may be designated by By-law of the said Corporation approved of by the Lieutenant-Governor in Council.

2. The expenditure of the said sum of \$85,847.51 heretofore made by the Corporation of the County of Lanark is hereby validated, ratified and confirmed. <sup>Expenditure of \$85,847.51 confirmed.</sup>

## SCHEDULE “A.”

### BY-LAW No. 719.

WHEREAS the County Council of the County of Lanark under the Provisions of By-law Number 486 passed on the Twenty-eighth day of June A.D., 1902, in accordance with an Act entitled “An Act for the improvement of Public Highways” took proceedings under the provisions of the said Act for the improvement of certain Highways in the said County of Lanark designated in said By-law and for the purchase of Toll roads in the said County of Lanark in accordance with the provisions of the said Act.

And whereas By-law number 486 was duly passed on or about the Twenty-eighth day of June A.D. 1902 pursuant to the said Act and authorized the expenditure by the said County of \$65,000.

And whereas the said sum of \$65,000 was found not to be sufficient for the purposes of constructing the said roads and on the Twenty-third day of November A.D. 1907 By-law No. 613 of this Council was passed authorizing a further expenditure of \$25,000 to complete the said roads which said sum has been found to be insufficient for the purpose.

And whereas there has been an additional expenditure by the said County up to the Thirty-first day of December A.D. 1912 of \$85,847.50.

And



And whereas the expenditure of this sum has not been approved of according to the requirements of the Statute by the passing of a By-law.

And whereas the Corporation of the County of Lanark is desirous of passing a By-law pursuant to the Statute and having the same approved of by the Lieutenant-Governor in Council.

And whereas the estimated expenditure to complete the construction of the roads designated in said By-law 486 is \$40,000.

And whereas the following is an entire list of roads which were designated by the said County in the said By-law No. 486.

(1). Commencing in the Township of Montague on the road between Smith's Falls and Merrickville, at a point about eight miles distant from the Eastern boundary of the Town of Smith's Falls (and being at or near Kilmarnock) thence Northerly, Westerly and again Northerly along the said Merrickville road to the said boundary line of the Town of Smith's Falls.

(2). Commencing at the North-western boundary at the Town of Smith's Falls on the old Perth toll road, thence Westerly following the said old Perth toll road by way of the Village of Port Elmsley to the Eastern boundary of the Town of Perth.

(3). Commencing at the Northern boundary of the Town of Perth at the intersection of Drummond Street in the said Town with the Third Concession Line of the Township of Drummond, thence Northerly along the road commonly known as the Innisville road and through the Township of Drummond by way of the Village of Innisville and along the present travelled road through the Townships of Lanark, Ramsay and Beckwith to the Western boundary of the Town of Carleton Place.

(4). Commencing on the above mentioned road from Perth to Carleton Place at the intersection of the Third Concession Line of the Township of Ramsay with the said road, thence Northerly and Westerly along the present travelled road to the second Concession Line and thence North-westerly along the said Second Concession Line as travelled to the side line between lots numbers Twenty and Twenty-one.

(5). Commencing at the North-western boundary of the Town of Almonte, thence North-westerly along the Ninth Concession line of the Township of Ramsay to the side line between lots numbers Twenty and Twenty-one, thence westerly along the said side line to the Second Concession line.

(6). Commencing on the Ninth Concession line of the Township of Ramsay at the intersection of the side line between lots numbers Twenty and Twenty-one, thence North-westerly along the said Ninth Concession line to the boundary line between the Townships of Ramsay and Pakenham, thence North-westerly along the Ninth Concession line of the Township of Pakenham to the side line between lots numbers Five and Six in the said Concession, thence Northerly along the present travelled road to the Village of Pakenham, thence North-westerly along the Eleventh Concession line to a point at or near lot number Fifteen, where the travelled road turns to the West, thence Westerly along the present travelled road to the side line between lots Sixteen and Seventeen in the Tenth Concession of the said Township of Pakenham.

(7). Commencing at the Southern boundary of the Town of Carleton Place where the Franktown road intersects the same, thence Southerly along the present travelled road leading to Franktown through the Township of Beckwith to the Third Concession line of the said Township; again commencing at the intersection of the

Franktown road with the Eleventh Concession line, thence North-Easterly along the said Eleventh Concession line to the boundary line between the Townships of Beckwith and Goulbourn.

(8). Commencing in the Sixth Concession of the Township of South Sherbrooke where the line of the Canadian Pacific Railway Company crosses the present travelled road at or near the Maberly Station of the said railway company, thence North-westerly along the said travelled road through the Village of Maberly to the Eleventh Concession line of the said Township.

(9). Commencing at the Northern boundary of the Village of Lanark, thence Northerly along the present travelled road by way of Herron's Mills to the Village of Middleville in the Township of Lanark.

(10). Commencing on the said travelled road between Lanark and Middleville at Herron's Mills, thence Northerly and Westerly along the present travelled road through the Townships of Lanark and Dalhousie to Watson's Corners.

(11). Commencing at the North-western end of the stone road at or near the Fall River in the Village of Fallbrooke and thence Northerly and Westerly along the usual travelled road in the Townships of Bathurst and Dalhousie to the Village of McDonald's Corners.

(12). Commencing at the Fourth Concession line of the Township of Darling on the present travelled road from Brightside to Tatlock, thence Northerly along the said road to Tatlock, thence Easterly along the side line between lots numbers Five or Six in the Fifth and Sixth Concessions of the said Township to the Seventh Concession line, thence in a Southerly direction along the present travelled road to the boundary line between the Townships of Darling and Lanark at the Eighth Concession line.

(13). Commencing on the boundary line between Dalhousie and Lavant Townships on the present travelled road on lot number One in the Sixth Concession, thence Northerly passing through lots numbers one, two, three, four and five to the Eighth Concession line; also commencing on the said boundary line between the afore-said townships on the present travelled road at lot number one on the Fifth Concession passing through lots number one and part two on the Fifth Concession in an Easterly direction, thence following the present travelled road through Fifth and Fourth Concessions of the said Township to the divisional line between lots twelve and thirteen in the said Fourth Concession.

(14). Commencing on the boundary line between the Townships of Elmsley and Bathurst at the Intersection of the same with the boundary line between the Townships of Bathurst and Drummond, thence Westerly along the said boundary line between the Townships of Elmsley and Bathurst and Burgess and Bathurst to Grant's Creek, thence Southerly along the main travelled road in the Township of Burgess a distance of two miles.

And whereas the following is an entire list of toll roads which were purchased by the said County under the provisions of the said Act and which were also designated by the said County in said By-law number 486.

(1). Commencing at the westerly limit of the Town of Perth at the intersection of Dufferin Street in the said Town with the boundary line between the Townships of Bathurst and Drummond, thence along the present macadamized road to the southern boundary of the Village of Lanark.

(2). Commencing at the intersection of the Eighth Concession line of the Township of Bathurst with the said boundary line be-

tween

tween the Townships of Bathurst with the said boundary line between the Townships of Bathurst and Drummond, thence Westerly along the present toll road to the Village of Fallbrooke in the said Township of Bathurst.

(3). Commencing at the intersection of the Third Concession Line with the said boundary line between the Townships of Bathurst and Drummond, thence Westerly along the Third Concession Line to the end of the present macadamized road, being at or near the side line between lots numbers eighteen and nineteen in the said Third Concession.

THEREFORE the Municipal Council of the County of Lanark enacts as follows:—

(1). The said Municipal Council doth hereby approve of the aforesaid expenditure amounting to \$85,847.51.

(2). The said Municipal Council doth hereby approve of the estimated expenditure aforesaid amounting to \$40,000.00.

(3). A copy hereof certified by the County Clerk be sent to the Provincial Auditor.

This By-law shall take effect upon the final passing thereof.

GEORGE KERR,  
*Warden.*

W. A. MOORE,  
*Clerk.*

## CHAPTER 102.

## An Act to Incorporate the Town of Leaside.

*Assented to 6th May, 1913.*

**W**HEREAS Randolph McRae, Harvey Fitzsimons and **Preamble.**

Lawrence Charles Boulton, of the City of Toronto, in the County of York, and Province of Ontario, Agents, have by their petition represented that they have acquired about 1,025 acres of farm land hereinafter described in the County of York, and adjacent to the City of Toronto, with a view of subdividing them into building lots and that subdivision plans, showing the location of the lots, streets and avenues have been made, and that the survey of the same has been completed upon the ground, and that the said lands are being offered for sale to the public; that since the acquirement of such land a large number of building lots have been sold, and it is necessary to construct waterworks, sewers, electric light works, sidewalks and pavements and other public improvement works in order to meet the requirements of the inhabitants of such lands; and whereas the construction of all of such works will be greatly facilitated and the interests of the inhabitants best served by incorporating such inhabitants as a town; and whereas the said petitioners have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The inhabitants of the land described in Section 2 are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Leaside," separate and apart from the Township of York.

2. The said Town of Leaside shall comprise and consist of all that part of the said Township of York, described as follows:— Commencing at the south-westerly angle of Lot

Incorporation of  
Town of  
Leaside.

Lands to  
be com-  
prised into  
town.

Twelve (12), Concession Three from the Bay; thence Northerly along the Easterly limit of Bayview Avenue, and the Westerly boundary of Lots Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15). Concession Three from the Bay, and Lot One (1), and the South half of Lot Two (2), Concession Two East of Yonge Street, to the North-westerly angle of the South half of Lot Two (2), Concession Two, East of Yonge Street, thence Easterly along the Northerly boundary of the South half of said Lot Two (2), to the Easterly boundary of said Lot Two (2). thence Southerly along the Easterly boundary of the South half of said Lot Two (2), and Lot One (1), Concession Two (2), East of Yonge Street, and Lots Fifteen (15) and Fourteen (14), and the North half of Lot Thirteen (13). Concession Three (3) from the Bay, to the South-easterly angle of the North half of said Lot Thirteen (13), thence Westerly along the Southerly boundary of the North half of the said Lot Thirteen (13), One Thousand Six Hundred and Twenty feet (1,620') more or less to the Southerly limit of the right of way of the Canadian Pacific Railway as now fenced; thence South-westerly along the said Southerly limit of the right of way of the Canadian Pacific Railway, as now fenced to the Northerly boundary of Lot Twelve (12), thence Easterly along the Northerly boundary of said Lot Twelve (12), Eight Hundred and Ten feet (810') more or less to the Westerly boundary line of the property of Robert Davies in said Lot Twelve (12), thence Southerly along the Westerly boundary in said Lot Twelve (12), of the property of Robert Davies, One Thousand Three Hundred and Forty-five feet, (1,345') more or less to the Southerly limit of said Lot Twelve (12), thence Westerly along the Southerly limit of said Lot Twelve (12) to the place of beginning, such area containing by ad-measurement Ten Hundred and Twenty-five (1025) acres more or less.

Council  
how com-  
posed.

**3.** The Council of the Town shall consist of a Mayor and four Councillors, until the members of the Council for the year 1915 have ceased to hold office and thereafter the Council shall be composed as provided by *The Municipal Act*.

Returning  
officers  
nomination  
and elec-  
tion.

**4.** Arthur T. Lawson, Toronto, accountant, is hereby appointed returning officer for the purpose of the first election and he shall hold the meeting for the nomination of candidates for the offices of Mayor and Councillors at Twelve o'clock noon on the Seventh day of May, 1913, at the Leaside Mission, or at some other place in such Town as may be selected by the Returning Officer, and in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a Returning Officer and the polling in case a poll is required shall

be

be held on the 14th day of May, 1913. at the place where the nomination meeting was held and the duties of the Returning Officer shall be those prescribed by *The Municipal Act* with respect to towns.

**5.** The only qualification required of a person at the first election to entitle him to vote or to be a candidate for the office of Mayor or Councillor shall be that he is male, a British subject of the full age of twenty-one years, and that he or his wife is the owner of land in the town of sufficient value to qualify a person as a voter, or as a candidate for the office of Reeve or Councillor in a township. Qualification at first election.

**6.—(1)** The first Mayor and Councillors shall hold office until the Thirty-first day of December, 1915, and until their successors have been elected and have taken the declarations of qualification and of office. Term of office of first Mayor and Councillors.

**(2)** If a vacancy occurs from any cause in the office of Mayor, or Councillor before a voters' list for the town has been prepared the provisions of section No. 5 shall apply to the election to fill the vacancy. Vacancies.

**7.** The first meeting of the Council shall be held at twelve o'clock noon, on the twenty-first day of May, 1913, at the place where the nomination meeting was held. First meeting.

**8.** The Lieutenant-Governor in Council may divide the Town into Wards in accordance with *The Municipal Act* after the annual municipal elections for the year 1915 have been held.

**9.** Until the Thirty-first of December, 1915, the Town shall be represented in the Council of the County by the Mayor only. Representation in County Council.

**10.** The Council of the said Town may pass a By-law for taking the assessment of the said Town for the year 1914, between the first day of July, and the first day of October, 1913, and if any such By-law extends the time for making and completing the assessment rolls beyond the first day of November, 1913, then the time for closing the Court of Revision shall be three weeks from the day to which such time is extended and the final return by the Judge four weeks from that day. Taking of Assessment.

**11.** No highways existing at the time of the passing of this Act shall be stopped up or closed before the 31st day of December, 1915, without the consent of the Lieutenant-Governor in Council, and for the purposes of this section Closing up existing highways.

Leaside lane connecting Bay View Avenue with the property owned by Robert Davies shall be deemed a public highway.

Land detached from township.

**12.** The land comprised in the said Town is hereby detached from the Township of York and the Town shall form a separate and independent municipality.

Application of 3 Edw. VII. c. 19.

**13.**—(1) Save as in this Act otherwise expressly provided all the provisions of *The Municipal Act* and of any other general Act applicable to towns shall apply to the said Town to the same extent as if the said Town had been incorporated under the provisions of *The Municipal Act*.

(2) The provisions of *The Municipal Act* as to the adjustment of assets and liabilities, and as to matters consequent on the formation of new corporations shall apply as if the said land had been erected into a village, instead of a town.

Expenses of Act, how paid.

**14.** The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk or other officer of the said Town or otherwise, shall be borne by the said Town and paid by it to any person who may be entitled thereto.

Electoral District.

**15.** The said Town shall form part of the Electoral District of East York.

Right of township to collect taxes.

**16.** Notwithstanding anything in this Act contained the Township of York shall continue to have full power and authority to levy, collect and retain and use for its own purposes all taxes properly levied or assessed or in process of being levied or assessed against any of the lands herein described down to and including taxes for the year, A.D. 1913, as fully and effectually as if this Act had not been passed.



## CHAPTER 103.

## An Act respecting the City of London.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of London has Preamble.  
 by petition prayed for special legislation in respect  
 of the several matters hereinafter set forth; and whereas to  
 enable the said Corporation more readily and profitably to  
 dispose of the debentures, it is desirable that the By-laws  
 specified in Schedules "A" and "B" should be confirmed,  
 the By-law specified in Schedule "B" having been sub-  
 mitted to and approved of by the electors; and where-  
 as the said Corporation has asked for authority to issue  
 debentures for \$15,000 for the Queen Alexandra Sanatorium,  
 after the electors had assented, by informal vote, to the  
 granting of the same, and for debentures to the amount of  
 \$997,500 to cover the cost of certain works and improve-  
 ments of an urgent and necessary character; and whereas it  
 is expedient to grant the prayer of the said Petition.

THEREFORE, His Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of On-  
 tario, enacts as follows:—

**1.** The By-laws of the Corporation of the City of London By-laws specified in Sched. "A" confirmed.  
 specified in Schedule "A" hereto, and all debentures issued  
 or to be issued thereunder, and all assessments made or to  
 be made for the payment thereof, are confirmed and declared  
 to be legal, valid and binding.

**2.** The Corporation of the City of London may sell, at Power to sell certain land acquired as site for town hall.  
 such price and on such terms as the Council of the Corpora-  
 tion may deem expedient, that part of Lot Number One on  
 the North side of East Dundas Street, in the said City of  
 London, which was recently purchased by the said Corpora-  
 tion from W. M. Spencer, Esquire, for a site for a City Hall,  
 and may convey the same to the purchaser or purchasers

thereof

thereof at such time within five years from the passing of this Act as the said Council may see fit.

Power to acquire and expropriate certain land as site for town hall.

3. The Corporation of the City of London may purchase, or, without the consent of the owner or owners thereof, or persons interested therein, may enter upon, acquire, take possession of, expropriate and use, the lands in the said City of London in the block bounded on the North by Dundas Street, on the East by Waterloo Street, on the South by King Street, and on the West by Wellington Street, save and except the portion thereof vested in His Majesty, the King, paying for what is acquired or taken possession of, such sum or sums as may be agreed upon, or in default of agreement as may be determined by arbitration in accordance with the provisions of *The Municipal Act*, and amendments thereto, and may use such portion thereof as the Council of the Corporation may deem necessary or expedient for the erection and purposes of a new City Hall, and may convey or surrender the other portions thereof to His Majesty, the King, for such purposes as the Department of Militia may desire.

Power to borrow \$15,000 re Queen Alexandra Sanatorium.

4. The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$15,000, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest, not exceeding five per cent. per annum, as the Council of the said Corporation may determine, and shall pay over the proceeds thereof to The London Health Association as a contribution towards the payment for the erection of The Queen Alexandra Sanatorium, and for additions thereto.

Power to borrow \$28,000 for addition to Victoria Hospital.

5. The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$28,000, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest, not exceeding five per cent. per annum, as the Council of the said Corporation may determine, for the purpose of erecting an addition to Victoria Hospital, and to provide a system of heating for the said Hospital, in the said City of London.

Power to borrow \$5,000 re Wharncliffe Road Bridge.

6. The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$5,000, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest, not exceeding five per cent. per annum, as the Council of the said Corporation may determine, for the purpose of providing additional funds for the erection of the Wharncliffe Road Bridge.

7. The Corporation of the City of London may issue the debentures for \$75,000 authorized by By-law Numbered 3588, of the City of London, passed on the ninth day of January, A.D. 1911, and also the debentures for \$250,000 authorized by By-law Numbered 4248 of the City of London, passed on the thirtieth day of January, A.D. 1913, at any time within five years from the passing of this Act, and may use the proceeds of the said debentures for the purposes mentioned in the said By-laws as circumstances may require.

Time for  
issue of  
debentures  
under  
certain  
by-laws.

8. The Corporation of the City of London, if the By-law referred to in section nine of this Act be passed, may lease The London and Port Stanley Railway from The London and Port Stanley Railway Company upon terms to be agreed upon between the said Corporation and Company, and the said Corporation may construct and equip the said railway as an electric or steam road as the Council of the said Corporation may by by-law determine, and may, if the Council of the said Corporation shall by by-law so determine, operate the said railway by a commission to be constituted as hereinafter provided.

Power to  
lease Lon-  
don and  
Port Stan-  
ley Railway.

9.—(1) The Corporation of the City of London may pass a By-law to borrow, and may borrow, a sum not exceeding \$700,000.00, and may issue debentures therefor for any period not exceeding forty years from the date of the issue thereof, and at such rate of interest, not exceeding five per cent. per annum, as the Council of the said Corporation may determine, for the purpose of constructing, equipping and operating The London and Port Stanley Railway, either as an electric or steam road as may have been determined by the Council of the said Corporation as provided for by section eight of this Act, after the By-law therefor has received the assent of the electors as provided by *The Municipal Act*.

Power to  
borrow  
for pur-  
pose of  
railway.

(2) In calculating the amount of the indebtedness of the said Corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by *The City of London Act, 1906*, has been reached, any debentures issued under the authority of this section shall not be reckoned as part of such indebtedness but shall be excluded in computing the same.

10. It shall not be necessary that any of the By-laws for the purposes mentioned in sections four, five, and six of this Act, shall be submitted to or receive the assent of the electors of the said City, but all the other provisions of *The Municipal Act*, which are applicable, and not inconsistent with the provisions of this Act, shall apply to the said By-laws.

Assent of  
electors  
when not  
required.

Irregularity  
in form  
not to  
invalidate.

**11.** No irregularity in the form of any of the debentures issued under the authority of this Act, or of any By-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Power to  
constitute a  
commission  
to manage  
London  
and Port  
Stanley  
Railway.

**12.** The Council of the Corporation of the City of London may, by by-law provide and direct that a Commission, to be constituted under the provisions of sections 13 and 14 of this Act and to be known as "The London Railway Commission," shall have the whole management and control of the construction, equipment, maintenance and operation of The London and Port Stanley Railway, if the same be leased by the Corporation of the City of London as provided for by section eight of this Act, and, from and after the passing of the said By-law, and the appointment of the four members of the said Commission, the said Commission shall have the whole management and control of the construction, equipment, maintenance and operation of the said railway for, and as the agents of, the said Corporation.

How com-  
mission to be  
composed.

**13.** The said Commission shall be a body corporate, and shall be composed of five members (of whom the Mayor of the City of London for the time being shall be *ex officio* one), and the said Commissioners shall have all the powers necessary to enable them to construct, maintain, manage, equip and operate the said railway, and also all the powers which may be granted to the Corporation of the City of London, from time to time.

Term of  
office of  
commis-  
sioners.

**14.**—(1) At the first meeting of the Council of the Corporation of the City of London after the passing of the By-law referred to in section 12 of this Act, four Commissioners shall be appointed, two of them for the term from the date of the passing of the said By-law until the first meeting of the Council of the Corporation in the second year after the passing of the said By-law, and the other two of them shall be appointed, and shall continue in office, for one year longer. At the first meeting of the Council of the Corporation in the second year after the passing of the said By-law, and thereafter, two Commissioners shall be appointed annually, and shall continue in office for two years.

Vacancies.

(2) Vacancies arising from death, resignation, removal from the City of London or otherwise, shall be filled forthwith by the Council of the Corporation of the City of London, and the Commissioner appointed to fill the vacancy shall hold office for the unexpired term of the Commissioner whose place has become vacant.

**15.** Those parts of Waterloo Street and Nelson Street in the said City of London, which may be described as follows: Commencing on the East side of Waterloo Street at a point distant two hundred and eighty-three feet south of the point of intersection of the Easterly limit of Waterloo Street by the Southerly limit of South Street; thence Westerly parallel to South Street, twenty-six feet; thence South-westerly at a deflecting angle of fifty degrees, thirty-two feet eight inches; thence Southerly parallel to the Easterly limit of Waterloo Street, sixty feet more or less to the Southerly limit of Nelson Street; thence Easterly along the Southerly limit of Nelson Street, forty-seven feet more or less to the Easterly limit of Waterloo Street, and thence Northerly along the Easterly limit of Waterloo Street, eighty-five feet more or less to the place of beginning, shall be, and the same are, hereby stopped up and closed, and shall forever cease to be a public highway, and the same shall be, and are hereby vested in the Corporation of the City of London, their successors and assigns, for the use of the incinerator plant in the said City.

Parts of  
Waterloo  
and Nelson  
streets  
closed up.

**16.** The Council of the Corporation of the City of London may pass a By-law to adopt the assessment, as finally revised, of those parts of the Township of London (which were annexed to the City of London on the twenty-first day of December, A.D. 1912, by Orders of *The Ontario Railway and Municipal Board*), which was made, in the year 1911, by the Assessor of the said Township of London, as the assessment of the said parts of the said City of London so annexed as aforesaid upon which the rate of taxation in the said City of London for the year 1913, shall be fixed and levied, in the same manner and to the same extent as if the said assessment had been made by the Board of Assessors of the said City of London, in the year 1912, for the year 1913 and finally revised, and, upon a By-law being passed as hereinbefore provided, the taxes in the said City of London, for the year 1913, of the said parts of the said City of London annexed as aforesaid shall be fixed and levied upon such assessment, and shall be legal, valid and binding.

Power to  
adopt  
township  
of London  
assessment  
as to land  
annexed  
to city.

**17.** The Council of the Corporation of the City of London may pass a By-law to adopt the assessment, as finally revised, of that part of the Township of Westminster, (which was annexed to the City of London on the twenty-first day of December, A.D. 1912, by an Order of *The Ontario Railway and Municipal Board*), which was made, in the year 1911, by the Assessor of the said Township of Westminster, as the assessment of the said part of the said City of London so annexed as aforesaid upon which the rate of taxation in the

Power to  
adopt  
assessment  
of township  
of Westmin-  
ster as to  
land  
annexed  
to city.

said City of London for the year 1913 shall be fixed and levied, in the same manner and to the same extent as if the said assessment had been made by the Board of Assessors of the said City of London, in the year 1912, for the year 1913, and finally revised, and, upon a By-law being passed as hereinbefore provided, the taxes in the said City of London, for the year 1913, of the said part of the said City of London annexed as aforesaid, shall be fixed and levied upon such assessment, and shall be legal, valid and binding.

Power to  
borrow  
\$72,000 for  
waterworks  
purposes.

**18.** The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$72,000 for the Water Commissioners for the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to provide for additional waterworks equipment, plant and apparatus, main and other extensions, workshop and store rooms.

Power to  
borrow  
\$90,000  
for exten-  
sion, etc.,  
to electric  
light plant.

**19.** The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$90,000 for the Water Commissioners for the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to provide for additional equipment extensions and additions to the electric light plant of the City of London, for the purchase of meters and other apparatus, and for the erection of new workshops.

Power to  
borrow  
\$7,500 for  
motor com-  
bination  
fire truck.

**20.** The Corporation of the City of London may pass a By-law to borrow, and may borrow, the sum of \$7,500, and may issue debentures therefor for any period not exceeding ten years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the said Corporation may determine, to purchase a Motor Combination Fire Truck.

Assent of  
electors,  
not  
required.

**21.** It shall not be necessary that any of the By-laws for the purposes mentioned in the next three preceding sections shall be submitted to, or receive the assent of, the electors of the said City, but all the other provisions of *The Municipal Act*, which are applicable and which are not inconsistent with the provisions of this Act, shall apply to the said By-laws.

Power to  
borrow  
\$75,000 to  
construct  
breakwater

**22.** The Corporation of the City of London may pass a by-law to borrow, and may borrow, a sum not exceeding \$75,000, and may issue debentures therefor for any period



not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum as the Council of the Corporation may determine, for the purpose of constructing and extending a permanent break-water in that part of the City of London known as London West, after the By-law therefor has received the assent of the electors as provided by *The Municipal Act*.

**23.** By-law No. 4240 to authorize the issue of \$25,000 debentures for the purpose of a loan to the Dennis Wire and Iron Works Company, Limited, set out as Schedule "B" hereto is ratified and confirmed and declared to be legal, valid and binding.

By-law No.  
4240 con-  
firmed.

**24.** The Council of the Corporation of the City of London may, at any time, by By-law, declare that the powers, rights, privileges and duties of the Council with respect to the London Waterworks shall on and from a day to be named therein, be determined and come to an end, and thereupon the Water Commissioners for the City of London shall be vested with all the powers, rights and privileges which are by *The London Waterworks Act, 1873*, and amending Acts, conferred upon, vested or enjoyed by them, and be charged with the duties which are thereby imposed upon them, provided that such by-law shall not come into operation or take effect unless or until the assent of the electors shall have been first obtained thereto as provided by *The Municipal Act*.

Authority  
to vest  
powers of  
council re  
waterworks  
in water  
commis-  
sioners.

**25.** This Act may be known and cited as "The City of London Act, 1913."

Short title.



## SCHEDULE "A."

List of By-laws providing for the issue of debentures by the Council of the City of London.

No. of By-law	Date of passing of By-law.	Nature of work under By-law.	Amount of Debt created.	Amount to be borne by City.	Amount by ratepayers.	Time.	Rate.
4113	December 30th, 1912.	Local improvement debentures to defray the cost of a certain cement sidewalk constructed in 1912. ....	\$755 93	\$438 28	\$317 65	10 years	4½%
4114	do	do	66 47	7 36	59 11	"	"
4115	do	do	120 50	3 75	116 75	"	"
4116	do	do	241 54	8 25	233 29	"	"
4117	do	do	178 68	36 60	142 08	"	"
4118	do	do	175 80	44 90	130 90	"	"
4119	do	do	186 18	7 18	179 00	"	"
4120	do	do	129 40	17 30	112 10	"	"
4121	do	do	252 64	31 94	220 70	"	"
4122	do	do	31 59	6 32	25 27	"	"
4123	do	do	159 51	56 55	102 96	"	"
4124	do	do	577 18	52 89	524 29	"	"
4125	do	do	152 53	13 77	138 76	"	"
4126	do	do	306 33	11 81	295 12	"	"
4127	do	do	611 40	15 21	596 19	"	"
4128	do	do	402 47	14 82	387 65	"	"
4129	do	do	352 76	108 34	244 42	"	"
4130	do	do	193 45	18 97	174 48	"	"
4131	do	do	424 60	23 60	401 00	"	"

4132	do	12 46	12 46	.....	"	"
4133	do	210 23	14 90	195 33	"	"
4134	do	423 48	31 73	391 75	"	"
4135	do	199 54	73 90	125 64	"	"
4136	do	255 70	84 74	170 96	"	"
4137	do	217 05	24 84	192 21	"	"
4138	do	143 27	14 97	128 30	"	"
4139	do	143 19	35 90	107 29	"	"
4140	do	334 26	54 66	279 60	"	"
4141	do	98 42	33 53	64 89	"	"
4142	do	230 26	126 98	103 28	"	"
4143	do	684 89	21 26	663 63	"	"
4144	do	279 76	72 84	206 92	"	"
4145	do	223 68	108 43	115 25	"	"
4146	do				"	"
Local Improvement debentures						
to defray the cost of a certain						
cement curb and gutter con-						
structed in 1912. ....						
4147	do	259 96	54 04	205 92	"	"
4148	do	116 02	10 82	105 20	"	"
4149	do	170 79	70 26	100 53	"	"
4150	do	152 64	29 11	123 53	"	"
4151	do	229 70	24 48	205 22	"	"
4152	do	211 21	93 31	117 90	"	"
4153	do	210 27	19 59	190 68	"	"
4154	do	111 79	111 79	.....	"	"
4155	do	234 02	30 18	203 84	"	"
4156	do	29 88	29 88	.....	"	"
4157	do	181 74	8 21	173 53	"	"
4158	do	224 06	32 76	191 30	"	"
4159	do	237 01	103 49	133 52	"	"
4160	do	171 98	7 91	164 07	"	"
4161	do	345 85	345 85	.....	"	"
	do	144 44	42 05	102 39	"	"

December 30th, 1912.

## SCHEDULE "A."—Continued.

No. of By-law	Date of passing of By-law	Nature of work under By-law.	Amount of Debt created.	Amount to be borne by City.	Amount by ratepayers.	Time.	Rate.
4162	December 30th, 1912.	Local Improvement debentures to defray the cost of a certain cement curb and gutter con- structed in 1912 .....				10 years	4½%
4163	do	do	\$189 93	\$ 20 99	\$168 94	"	"
4164	do	do	184 28	16 86	167 42	"	"
4165	do	do	141 06	61 22	79 84	"	"
4166	do	do	281 11	281 11	.....	"	"
4167	do	do	95 40	21 65	73 75	"	"
4168	do	do	96 84	20 85	75 99	"	"
4169	do	do	171 22	55 09	116 13	"	"
4170	do	do	153 26	68 57	84 69	"	"
4171	do	do	402 73	402 73	.....	"	"
4172	do	do	159 92	36 91	123 01	"	"
4173	do	do	159 88	26 20	133 68	"	"
4174	do	do	165 48	48 59	116 89	"	"
4175	do	do	184 51	184 51	.....	"	"
4176	do	do	158 93	44 93	114 00	"	"
4177	do	do	251 03	63 47	187 56	"	"
4178	do	do	114 15	.....	114 15	"	"
4179	do	do	142 20	31 49	110 71	"	"
4180	do	do	134 68	77 82	56 86	"	"
4181	do	do	136 99	53 91	83 08	"	"
4182	do	do	141 30	24 56	116 74	"	"
		do	151 53	28 06	123 47	"	"

4183	do	113 05	31 55	81 50	"	"
4184	do	191 73	95 36	96 37	"	"
4185	do	101 30	83 91	17 39	"	"
4186	do	126 69	63 10	63 59	"	"
4187	do	255 75	60 65	195 10	"	"
4188	do	257 36	62 77	194 59	"	"
4189	do	244 49	57 39	187 10	"	"
4190	do	238 54	44 51	194 03	"	"
4191	do	228 57	56 35	172 22	"	"
4192	do	240 53	41 03	199 50	"	"
4193	do	252 45	94 79	157 66	"	"
4194	do	248 22	66 92	181 30	"	"
4195	do	244 85	30 40	214 45	"	"
4196	do				"	"
Local improvement debentures						
to defray the cost of a certain						
tile sewer constructed in 1912.						
4197	do	571 79	160 12	411 67	"	"
4198	do	711 11	100 73	610 38	"	"
4199	do	652 12	110 28	541 84	"	"
4200	do	773 36	113 68	659 68	"	"
4201	do	787 70	165 69	622 01	"	"
4202	do	501 81	185 04	316 77	"	"
4203	do	539 55	130 85	408 70	"	"
4204	do	2,059 13	289 41	1,769 72	"	"
4205	do	422 67	159 67	263 00	"	"
4206	do	1,937 23	444 60	1,492 63	"	"
4207	do	1,037 13	94 62	942 51	"	"
4208	do	1,265 71	264 00	1,001 21	"	"
4209	do	1,542 76	254 82	1,287 94	"	"
Local improvement debentures						
to defray the cost of a cer-						
tain macadam pavement con-						
structed in 1912 .....						
		1,567 36	340 76	1,226 60	"	"

SCHEDULE "A."—Continued.

No. of By-law.	Date of passing of By-law.	Nature of work under By-law.	Amount of Debt created.	Amount to be borne by City.	Amount by ratepayers.	Time.	Rate.
4215	December 30th, 1912.	Local improvement debentures to defray the cost of a certain pavement reconstructed in 1912 .....	\$175 64	\$27 59	\$148 05	3 years	4½%
4216	do	do	113 34	73 08	40 26	"	"
4217	do	do	119 63	26 75	92 88	"	"
4218	do	do	88 32	21 18	67 14	"	"
4219	do	do	152 77	36 70	116 07	"	"
4220	do	do	97 93	57 03	40 90	"	"
4221	do	do	172 37	29 62	142 75	"	"
4222	do	do	176 47	34 62	141 85	"	"
4223	do	do	98 18	71 44	26 74	"	"
4224	do	do	110 59	51 14	59 45	"	"
4225	do	do	111 01	36 88	74 13	"	"
4226	do	do	112 08	37 69	74 39	"	"
4227	do	do	177 37	132 89	44 48	"	"
4228	do	do	111 24	15 77	95 47	"	"
4210	do	Local improvement debentures to defray the cost of a gravel road and storm water drain constructed in 1912 .....	2,998 18	1,257 21	1,741 97	5 years	"
4211	do	Local improvement debentures to defray the cost of a gravel road constructed in 1912 ....	323 74	14 92	308 82	"	"

4212	do	Local improvement debentures to defray the cost of grading done in 1912 .....	94 77 94 84	24 34 22 33	70 43 72 51	" "	" "
4213 4229	do do	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$32,536.50, and to borrow the same by the issue of debentures therefor .....	32,536 50	.....	.....	10 years	"
4230	do	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$1,816.94, and to borrow the same by the issue of debentures therefor .....	1,816 94	.....	.....	3 years	"
4231	do	To consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$3,512.53, and to borrow the same by the issue of debentures therefor .....	3,512 53	.....	.....	5 years	"
4248	January 30th, 1913.	To provide for the issue of \$250,000 debentures for the purpose of obtaining such real and personal property as may be deemed expedient for a City Hall, and for erecting upon such real property a City Hall .....	0,000 00	.....	.....	40 years	"

SCHEDULE "A."—*Continued.*

No. of By-law	Date of passing of By-law.	Nature of work under By-law.	Amount of Debt created.	Amount to be borne by City.	Amount by ratepayers	Time.	Rate.
4233	December 30th, 1912.	To authorize the issue of \$7,000 debentures to provide for the Industrial School Equipment .....	7,000 00	.....	.....	4 years	4½%



## SCHEDULE "B."

## BY-LAW NO. 4240.

TO AUTHORIZE THE ISSUE OF \$25,000 DEBENTURES FOR THE PURPOSE  
OF A LOAN TO THE DENNIS WIRE AND IRON WORKS  
COMPANY, LIMITED.

WHEREAS The Dennis Wire and Iron Works Company, Limited (hereinafter called the Company), are authorized to carry on business in the said City of London, and own the following lands and premises, that is to say: All and singular those certain parcels or tracts of lands and premises situate, lying and being in the City of London, in the County of Middlesex, and being composed of: Firstly, Lot Number Twenty-three on the North side of Dundas Street in the said City of London. Secondly, That part of Lot Number One on the West side of Ridout Street, in the said City of London, which may be better known and described as follows, that is to say: Commencing at a point in the Northerly limit of Carling Street where the Easterly limit of Lot Number Twenty-three on the North side of Dundas Street if produced in a straight line northerly would intersect the said Northerly limit of Carling Street, which point is distant Westerly from the South-east angle of said Lot Number One, two hundred and twenty feet more or less; thence Northerly parallel to Ridout Street, thirty-three feet to the centre line of said Lot Number One; thence Westerly along the said centre line two hundred and ninety feet more or less to the middle of the River Thames; thence Southerly down the stream thirty-three feet to the Southerly limit of said Lot Number One, and thence Easterly along the said Southerly limit, being the Northerly limit of Carling Street, two hundred and ninety feet more or less to the place of beginning.

AND WHEREAS the Company intend to increase their authorized capital stock of \$100,000 to the extent of at least \$10,000 to be paid in cash, and to enlarge their buildings and plant upon the said lands so as to enable them to establish and carry on a steel sash plant in connection with their present business, and will within one year from the date of the mortgage hereinafter referred to, employ at least one hundred adults and will within twenty-four months from the date of the said mortgage, increase the said number to one hundred and fifty.

AND WHEREAS the Company have requested the Council of the Corporation of the City of London to make a loan to the Company upon a first mortgage, of the sum of \$25,000 to be repayable as follows, that is to say: The principal, together with interest at the rate of four and one-half per cent. per annum shall be combined and shall be payable in manner following, that is to say: In twenty equal consecutive annual instalments of \$1,921.90 each, the first of such instalments to be paid in one year from the date of the said mortgage, to be secured by the Company to the Corporation of the City of London, by a first mortgage upon the said lands and premises and the plant and machinery used in connection therewith.

AND WHEREAS it is expedient to make the loan of the said sum of \$25,000 to the Company upon a first mortgage as herein-after provided.

AND WHEREAS by an Act passed by the Legislature of the Province of Ontario, in the sixth year of His late Majesty's reign,  
and

and chaptered 76, and known as "The City of London Act, 1906," it is by section 22 thereof provided that the limit of the borrowing power of the said Corporation, shall, notwithstanding the provisions of any Act or law to the contrary, be fourteen per centum of the assessed value of the whole rateable property of the said City of London, as shown by the last revised assessment roll for the time being of the said City.

AND WHEREAS it is by section 23 of the said last mentioned Act provided that in calculating the amount of the indebtedness of the said Corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by the next preceding section has been reached, the net amount of its indebtedness for waterworks purposes being the sum of \$549,909.36, and any liability in respect of local improvement debentures, issued by the said Corporation, except such portion thereof as is payable by the said Corporation at large, shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

AND WHEREAS the amount of the whole rateable property in the City of London according to the last revised assessment roll thereof, is the sum of \$30,846,093.

AND WHEREAS the amount of the general debenture debt of the City exclusive of its indebtedness for waterworks purposes, or the said sum of \$549,909.36, and exclusive of its local improvement debenture debt, except such portion thereof as is payable by the said Corporation at large, is the sum of \$2,923,949.61, of which no portion of the principal or interest is in arrear.

AND WHEREAS the said sum of \$25,000 is the debt intended to be created by this By-law.

AND WHEREAS it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in any year for principal and interest in respect of said debt, shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period.

AND WHEREAS the total amount required by The Consolidated Municipal Act, 1903, to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,921.90.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:—

1. It shall be lawful for the Mayor of the said City to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$25,000 and to cause the same to be paid into the hands of the Treasurer of the said City of London for the purposes and with the objects above recited.

2. The said debentures shall, pursuant to the provisions of section 386 of The Consolidated Municipal Act, 1903, be made payable as follows:—

\$796.90 thereof in one year from the Thirtieth day of June, A.D. 1913.

\$832.76 thereof in two years from the Thirtieth day of June, A.D. 1913.

\$870.24	thereof in three years from the Thirtieth day of June, A.D. 1913.
\$909.40	thereof in four years from the Thirtieth day of June, A.D. 1913.
\$950.32	thereof in five years from the Thirtieth day of June, A.D. 1913.
\$993.08	thereof in six years from the Thirtieth day of June, A.D. 1913.
\$1,037.78	thereof in seven years from the Thirtieth day of June, A.D. 1913.
\$1,084.48	thereof in eight years from the Thirtieth day of June, A.D. 1913.
\$1,133.28	thereof in nine years from the Thirtieth day of June, A.D. 1913.
\$1,184.28	thereof in ten years from the Thirtieth day of June, A.D. 1913.
\$1,237.56	thereof in eleven years from the Thirtieth day of June, A.D. 1913.
\$1293.26	thereof in twelve years from the Thirtieth day of June, A.D. 1913.
\$1,351.46	thereof in thirteen years from the Thirtieth day of June, A.D. 1913.
\$1,412.28	thereof in fourteen years from the Thirtieth day of June, A.D. 1913.
\$1,475.82	thereof in fifteen years from the Thirtieth day of June, A.D. 1913.
\$1,542.24	thereof in sixteen years from the Thirtieth day of June, A.D. 1913.
\$1,611.62	thereof in seventeen years from the Thirtieth day of June, A.D. 1913.
\$1,684.16	thereof in eighteen years from the Thirtieth day of June, A.D. 1913.
\$1,759.94	thereof in nineteen years from the Thirtieth day of June, A.D. 1913.
\$1,839.14	thereof in twenty years from the Thirtieth day of June, A.D. 1913.

and all of the said Debentures shall bear date the Thirtieth day of June, A.D. 1913, and be made payable in Canada, Great Britain or elsewhere, and shall have coupons attached for the payment of interest.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum from the date thereof, which interest shall be payable half-yearly on the Thirtieth days of the months of December and June in each year, at the place where the said debentures are made payable.

4. During the currency of the debentures to be issued under the authority of this By-law, there shall be raised annually by a special rate on all the rateable property in the City of London over and above all other rates and taxes, the sum of \$1,921.90 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

5. The said Mayor and Treasurer may cause the said debentures or a sufficient amount thereof to be sold or hypothecated, or may authorize the said debentures, or any portion thereof to be purchased or taken as and for a temporary or permanent investment

of the sinking fund of the City of London, and the proceeds thereof after providing for the discount (if any) and the expenses of the negotiation and sale thereof, shall be applied as and for the purposes above specified and for no other purpose.

6. That the said sum of \$25,000 shall not, nor shall any part thereof be paid over to the Company, and the Company shall not be entitled to the same, or any part thereof, unless and until within one year from the final passing of this By-law, the Company have increased their paid up capital stock to the extent of at least \$10,000 in cash, and unless and until the said Company within the said period execute and deliver to the Corporation of the City of London, a first mortgage upon the said lands and premises, and the plant and machinery used in connection therewith, to secure the payment of the said loan of \$25,000 in manner following, that is to say: The principal, together with the interest at the rate of four and one-half per cent. per annum shall be combined and shall be payable in manner following, that is to say: In twenty equal consecutive annual instalments of \$1,921.90 each, the first of such instalments to be paid in one year from the date of the said mortgage; the said mortgage shall be made in pursuance of The Short Forms of Mortgages Act and shall contain, in addition to the covenants, conditions and provisions contained in the form set out in the said Act, a proviso that in the event of the Company failing at any time during the said term of twenty years to carry out their said agreement as to the number of hands to be employed, the principal moneys then unpaid upon the said mortgage shall at the option of the Corporation of the City of London immediately become due and payable, and the insurance clause in said mortgage shall provide for the insurance of the said building, plant and machinery to the full insurable value thereof, and loss shall be made payable by the Insurance Companies to the Corporation of the City of London as their interest may appear, and the said mortgage shall also contain such other covenants, provisos and conditions as the Council of the Corporation may deem proper, and time shall be the essence of this By-law.

7. All moneys received by the Corporation of the City of London from the Company, either for principal or interest upon the said mortgage, shall be placed to the credit of a special account, and the moneys standing at the credit of such account, or a sufficient part thereof, shall at the time of settling the total annual rates for the year, be applied in or towards the payment of the annual amount to be raised in that year for the payment of the said debentures, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

8. This By-law shall take effect on, from and after the passing thereof.

9. That the votes of the electors of the City of London will be taken on this By-law on Wednesday, the First day of January, A.D. 1913, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon at the several polling places and by the several Deputy Returning Officers appointed to hold the annual Election for the Municipal Council of the City of London, at the next annual Municipal Election.

10. That on Friday the Twenty-seventh day of December, A.D. 1912, at his office in the City Hall, in the said City of London, at the hour of 7.30 o'clock in the evening, the Mayor shall appoint in writing signed by him, two persons to attend at the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

11. That the Clerk of the said Municipal Corporation shall attend at the City Hall, at the hour of twelve o'clock noon, on Friday, the Third day of January, A.D. 1913, to sum up the number of votes given for and against this By-law.

PASSED in open Council this thirteenth day of January, A.D. 1913.

(Sgd.) C. M. R. GRAHAM,  
Mayor.

(Seal.)

S. BAKER,  
Clerk.

## CHAPTER 104.

## An Act respecting the Town of Meaford.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS the Corporation of the Town of Meaford has by petition represented that with a view to assisting and promoting manufacturing industries in the said Town, the Municipal Council thereof entered into a certain Agreement with the Meaford Manufacturing Company, and on the 14th day of November, 1911, unanimously passed By-law No. 40, A.D. 1911, to authorize the granting of a bonus by way of loan of the sum of \$15,000 to the said Company together with certain exemptions from taxes which said agreement and By-law are set forth and contained in Schedule "A" hereto; the said By-law having been submitted to and received the assent of the qualified electors of the said Town when out of 648 persons entitled to vote 473 persons voted for the said By-law and 42 voted against the same; and the said Company has complied with all the provisions of the said Agreement, and the Town is deriving much benefit therefrom; That on the 6th day of April, 1912, disastrous floods occurred in the said Town destroying among other properties the factory and plant of James Randle, who has for many years been a manufacturer of woollen goods in the said Town and in order to assist the said James Randle to build and equip a new factory the said Municipal Council entered into a certain agreement with the said James Randle and on the 5th day of July, 1912, unanimously passed By-law No. 32, A.D. 1912, to authorize the granting of a bonus by way of loan of the sum of \$20,000.00 to the said James Randle, which last mentioned Agreement and By-law are set forth and contained in Schedule "B" hereto, the said By-law having been submitted to and having received the assent of the electors of the said Town and out of 337 ratepayers actually voting on said By-law 277 voters voted for and 117 voters voted against the same; And the said James Randle has complied with all the provisions of the said Agreement and the said Town

will

will derive much benefit therefrom; That the said floods destroyed two large bridges in the said Town besides numerous culverts and other portions of roadways and the said Municipal Council were under the necessity of rebuilding two costly bridges and replacing and repairing the said culverts and roadways and on the 22nd day of July, 1912, passed By-law No. 24, A.D. 1912, for raising \$20,000.00, for defraying the cost of such bridges and culverts and roadways, said By-law having been submitted to and received the assent of the electors of the said Town, 220 voters voting for the said By-law and 17 voters voting against the same, and the said By-law is set forth and contained in Schedule "C" hereto; That the said Municipal Council in the years 1910 and 1911, constructed certain permanent cement concrete sidewalks as local improvements pursuant to sufficiently signed petitions from the owners of the real property abutting thereon and benefited thereby and the cost of such sidewalks is the sum of \$8,250, and the said Municipal Council unanimously passed By-law No. 53, A.D. 1912 (which is set forth in Schedule "D" hereto), on the 19th day of August, 1912, for assessing sixty per cent. of such cost upon the real property benefited and providing that the remaining portion of such cost should be borne by the said Municipality, at large; and for the issue of debentures extending over the period of 20 years, being well within the lifetime of such improvements, and all proceedings were first had and taken and a Court of Revision held, but there were no appeals nor objections to the assessments under the said By-law, nor has the said By-law ever been quashed or set aside; That the said Municipal Council in levying the yearly tax rates for the year 1911 inadvertently omitted to provide for certain debentures and other liabilities maturing during the year 1911, and in consequence thereof there was a deficit in the accounts of the said Town amounting to the sum of \$7,768.37 which said deficit or debt has not been provided for and liquidated. That the debenture debt of the said Town is for general municipal debentures, \$123,140.23 and \$53,672.34 for debentures issued under By-laws aiding (by way of loan) manufacturing industries which loans are wholly secured by mortgages held by the said Town and in respect of which the Town receives annually payments on account of principal and interest. That the amount of the whole rateable property of the said Town according to the last revised Assessment Roll thereof for the year 1912 is \$1,098,669, (exclusive of business assessment and property assessed at \$155,495 liable for School Taxes only); That by reason of the matters aforesaid the aggregate amount of the rates necessary for payment of the current annual expenses of the said Municipality and of the interest and principal of

the



the debts contracted by the Municipality exceeds by two mills the aggregate rate of two cents in the dollar on the said last revised Assessment and doubts have arisen as to the validity of the said By-laws and the debentures issued or to be issued thereunder; And whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-laws specified in Sched. "A" confirmed.

1. The said By-laws specified in the said Schedules "A," "B," "C," and "D," hereto and all debentures issued or to be issued thereunder and all assessments made or to be made and rates levied or to be levied for the payment of the said debentures are confirmed and declared to be legal, valid and binding upon the said Corporation of the Town of Meaford and the ratepayers thereof; And the purchasers of such debentures shall be relieved from enquiring into the validity of the proceedings relating to the issue of the same.

Annual special rate.

2. The Municipal Council of the said Corporation shall levy, in each year during the currency of the said debentures in addition to all other rates a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures, and may if necessary for such purpose, impose a rate in excess of twenty mills in the dollar on the total revised assessment of the said Town.

Taxation for school purposes and local improvements.

3. Notwithstanding anything contained in the said By-laws and Agreements the real estate, buildings, machinery, and property of each of them the said The Meaford Manufacturing Company, Limited, and James Randle shall for school purposes and local improvements be assessed and be liable to taxation as though the said By-laws had not been passed or the said Agreements entered into.

## SCHEDULE "A."

## THE CORPORATION OF THE TOWN OF MEAFORD.

By-Law No. 40, A.D., 1911.

*To authorize the granting of a bonus by way of a loan of the sum of \$15,000.00 to the Meaford Manufacturing Company, Limited, together with certain exemptions from Taxes:*

WHEREAS in and by an Agreement bearing date the second day of October, A.D., 1911, made between the said The Meaford Manufacturing Company, Limited, therein and hereinafter called the Company and the said the Corporation of the Town of Meaford therein and hereinafter called The Corporation (a duplicate of which Agreement is hereto annexed and is to be taken and read as a part of this By-law) the said Company agrees to erect an additional factory building of cement concrete, 3 stories, and basement 200 feet x 60 feet in connection with their present factory, also to erect and complete a Sawmill on their lands in the Town of Meaford; and the Corporation agrees to grant to the Company by way of bonus a loan of \$15,000, and certain exemptions from taxes (except school taxes) as provided in the said Agreement upon the terms and conditions in the said Agreement more particularly set forth and mentioned.

AND WHEREAS it is desirable in the interest of the said Corporation that the said Agreement should be carried out.

AND WHEREAS it is necessary in order to grant the said bonus by way of loan to borrow the sum of \$15,000 and to issue Debentures of the said Corporation for the said sum of \$15,000 with interest as hereinafter provided, which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it is desirable to make the principal of the said debt repayable by yearly sums during the period of 20 years, being the currency of the said Debentures, said yearly sums being of such amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be equal as nearly as possible to the amount so payable in each of the other nineteen years of the said period as shown in the schedule to this By-law.

AND WHEREAS the total amount required by the "Consolidated Municipal Act 1903," to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,203.64.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll thereof is \$1,129,020.00 (exclusive of property assessed at \$110,120.00 liable for school taxes only).

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$205,324.31, whereof no sum either of principal or interest is in arrear:

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Meaford and it is hereby enacted as follows:

(1) It shall be lawful for the said Corporation to loan to the said Company the sum of \$15,000.00, which sum shall be repayable by the Company in twenty equal annual instalments of \$750.00 each to become due and payable on the first day of February in each of the years 1913 and nineteen following years as in the said Agreement provided and upon the terms and conditions therein mentioned.

(2) And to grant to the said Company a total exemption from the payment of Municipal taxes (except school taxes) for the period of ten years from the first day of January, 1912, upon the said lands, machinery and plant of the Company upon the terms and conditions in the said Agreement set forth and mentioned and as provided therein and to carry out the said Agreement and perform and fulfil all the covenants and obligations on the part of the Corporation therein contained.

(3) The said Corporation shall raise the said sum of \$15,000.00 by way of Debentures of the Corporation to the said amount of \$15,000.00 as aforesaid in sums of not less than \$100.00 each, and the Treasurer of the said Town shall issue said Debentures on the first day of February, 1912, and the said Debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Molson's Bank in the said Town of Meaford.

(4) Each of the said Debentures shall be signed by the Mayor and Treasurer of the Corporation who shall attach thereto the seal of the said Corporation.

(5) The said Debentures shall bear interest at the rate of five per cent. per annum payable yearly at the said Molsons Bank on the first day of February in each year during the currency thereof, and shall have coupons attached for payment of said interest which coupons shall be signed by the Mayor and Treasurer of the said Corporation.

(6) During the currency of the said Debentures there shall be raised annually by special rate on all the rateable property in the said Town of Meaford the sum of \$1,203.64, for paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in the said schedule to this By-law.

(7) This By-law shall come into force and take effect on the final passing thereof.

(8) The votes of the electors of the said Town of Meaford shall be taken on this By-law at the following times and places, that is to say, on the second day of November, 1911, commencing at the hour of 9 o'clock in the forenoon and continuing until the hour of 5 o'clock in the afternoon of the same day, by the following Deputy Returning Officers:

In the North Ward in the Town Hall, by Mr. Samuel McClain as Deputy Returning Officer, and Mr. S. D. Watt as Poll Clerk.

In the East Ward at the office of Mr. H. J. Ellis, Exchange Building, by Mr. H. J. Ellis, as Deputy Returning Officer, and Mr. Norris Ellis as Poll Clerk.

In the West Ward at Mr. W. B. Treleaven's store on Trowbridge Street, by Mr. W. H. Treleaven as Deputy Returning Officer, and Mr. Ernest Ellis as Poll Clerk.

(9) On the first day of November, 1911, the Mayor shall attend to the Council Chamber at 10 o'clock in the forenoon to appoint persons to attend the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

(10) The Clerk shall attend at the Council Chamber at the hour of eleven o'clock in the afternoon of the third day of November, 1911, to sum up the number of votes for and against this By-law.

Passed, signed and sealed in Council assembled, this 14th day of November, A.D. 1911.

G. G. ALBERY, *Town Clerk.*

J. G. CLARKE, *Mayor.*

SCHEDULE

## SCHEDULE.

Referred to in the foregoing By-law showing how the amount of \$1,203.64 thereby required to be raised annually by special rate is apportioned:

Year.	For Interest.	For Principal.	Total.
1913.....	\$750 00	\$453 64	\$1,203 64
1914.....	727 32	476 32	1,203 64
1915.....	703 50	500 14	1,203 64
1916.....	678 50	525 14	1,203 64
1917.....	652 24	551 40	1,203 64
1918.....	624 67	578 97	1,203 64
1919.....	595 72	607 92	1,203 64
1920.....	565 32	638 32	1,203 64
1921.....	533 41	670 23	1,203 64
1922.....	499 90	703 74	1,203 64
1923.....	464 71	738 93	1,203 64
1924.....	427 76	775 88	1,203 64
1925.....	388 97	814 67	1,203 64
1926.....	348 24	855 40	1,203 64
1927.....	305 47	898 17	1,203 64
1928.....	260 56	943 08	1,203 64
1929.....	213 40	990 24	1,203 64
1930.....	163 89	1,039 75	1,203 64
1931.....	111 90	1,091 74	1,203 64
1932.....	57 32	1,146 32	1,203 64
			<hr/>
			\$15,000 00

THIS AGREEMENT made in duplicate the second day of October, A.D. 1911,

Between

The Meaford Manufacturing Company, Limited, (hereinafter called "The Company") of the first part,

—and—

The Corporation of the Town of Meaford, hereinafter called "The Corporation" of the second part:

WHEREAS the Company has represented to the Corporation that their present manufacturing business in the Town of Meaford has been steadily increasing; that their manufactured goods are bought by dealers throughout Canada for their good materials and workmanship; that the Company can take advantage of increasing trade and business with greater profits by increasing their factory capacity, and can give employment to more workmen in the said Town and thereby promote the growth and prosperity of the Town:

AND WHEREAS the Company has applied to the Corporation for a loan of \$15,000, repayable as hereinafter mentioned, and for exemption from general municipal taxation (except school taxes) for the term hereinafter mentioned; and in consideration of the granting of such loan and exemption have agreed to extend their manufacturing plant now carrying on business in the said Town, by erecting and installing the building and machinery hereinafter mentioned, and to enter into the covenants hereinafter contained:

NOW THIS AGREEMENT WITNESSETH and it is hereby agreed by and between the said parties hereto as follows:

(1) The Company agrees to construct on the lands in the Town of Meaford in the possession of the Company a factory building to be used in connection with the present business of the Company, for packing and shipping departments and offices, 200 feet by 60 feet,  
of

of three stories, and basement, all to be constructed of cement concrete with roofing of incombustible material (including the present frame warehouse of the Company) equipped with elevator, sprinkler system and steam heating appliances, all of the most modern and improved character;

(2) The Company also agrees to erect on the said lands a wooden Sawmill building 100 feet x 30 feet or thereabouts and to install all necessary machinery and equipment for a Sawmill of the manufacturing capacity of 15,000 feet of hardwood lumber per day; and to construct all necessary booms and protection for the floating, handling and storage of logs for the said Sawmill: the foregoing building and plant to be of the most modern and improved construction, and the estimated cost thereof is \$20,000;

(3) The Company agrees to have the said factory building erected and the machinery therein installed and ready for use and in operation on or before the first day of September, 1912; and to have the said Sawmill built, constructed and equipped with all necessary machinery as aforesaid and in operation on or before the first day of February, 1912; and to continuously operate the said manufacturing plant until the whole of the said loan of \$15,000 shall have been fully repaid to the Corporation:

(4) The Company agrees to increase the number of their employees and to employ continuously in and about their said factory plant at least 125 workmen by December 31st, 1912, and thereafter and 140 workmen by December 31st, 1913, and thereafter and the foregoing numbers shall be exclusive of office staff and travelling salesmen and employees in the said Sawmill.

(5) The amount of the said loan shall be advanced and paid to the Company as follows: \$3,000 on the completion of the said Sawmill; \$4,000 on the completion of the walls of the said factory building; \$4,000 on the completion of the roof of the said factory building and when the said factory building shall have been completely enclosed with doors and windows and \$4,000, or the balance of the said loan within thirty-five days after the final completion of the said buildings, provided all mechanic's liens and manufacturer's liens (if any) shall have been paid, satisfied and discharged.

(6) The Company further agrees to execute and deliver to the Corporation as Mortgagee a mortgage made in pursuance of the Short Forms of Mortgages' Act upon all the said lands, buildings and plant of the Company in the Town of Meaford (which shall be first freed and discharged of and from all dower, liens and other incumbrances other than the mortgage now standing made by the Company to the Corporation dated the twenty-third day of March, A.D., 1903, and duly registered in the Registry Office for the North Riding of the County of Grey on the fourteenth day of April, A.D., 1903, in Book No. 198 for the Town of Meaford as No. 4212) and such mortgage so to be executed and delivered as aforesaid shall include and for the purpose thereof all buildings, machinery and plant, and all chattels in the nature of machinery and plant not structurally affixed to the freehold as well as those of a like nature hereafter placed on the lands and premises of the Company shall be fixtures and shall be considered as part of the freehold; the lands to be comprised in the said mortgage shall be all those parcels mentioned and described in the above mentioned mortgage bearing date the twenty-third day of March, A.D., 1903, and all other lands now used by or in possession of the Company including the lands leased to the Company by Indenture of Lease dated the twentieth day of March, 1902, and registered in the said Registry Office as No. 4026 on the twenty-seventh day of March, 1902, which said Indenture of Lease the Company agrees to assign to the Corporation as security for the repayment of the said loan as aforesaid, and the mortgage hereby agreed to be executed shall secure the repayment to the Corporation of the sum of \$15,000 in twenty equal annual instalments of principal of \$750 each, the first of such instalments to become

become due and payable on the first day of February, 1913, and the following nineteen instalments or payments to become due and payable on the first day of February in each of the nineteen following years, and said mortgage shall also secure the due fulfillment by the Company of all the covenants and agreements on the part of the Company in this Agreement contained and shall also contain similar covenants to all other covenants on the part of the Company contained in the said prior mortgage where the same are applicable and provisions that such mortgage may be foreclosed by the Corporation should default be made by the Company in the payment of any of the instalments of principal as agreed or in the performance of any of the said covenants;

(7) And the said Company agrees to insure and keep insured during the currency of the said mortgage against loss or damage by fire in Insurance Companies to be approved of by the Council of the said Corporation for the time being all the buildings, plant and machinery of their said factory, including all the buildings, machinery and plant now owned or occupied by the Company to the full insurable value thereof and in case of default the Corporation may insure the same and charge the premium or premiums to the Company and all such insurance shall be made payable to the Corporation as its interests may appear, and all such insurance shall be effected through local Insurance Agents or Underwriters residing in the said Town of Meaford, provided however that the rates charged by such local agents do not exceed the rates of insurance charged by other Agents or Underwriters.

(8) The Corporation agrees to exempt by by-law the said lands, buildings, machinery and plant from the payment of all municipal taxes (except school taxes) for the period of ten years from the first day of January, A.D., 1912, or until default (if any) shall be made during such period in the performance of any of the covenants and agreements on the part of the Company hereinbefore mentioned or contained: provided however that should the Company during the said period cease operations or cease to carry on business for a period of six months or become insolvent or make any assignment for the benefit of creditors or make default in the repayment of the said loan the said exemption shall thereupon cease and the said lands, buildings and plant shall become liable for all municipal taxes as if the same had never been exempt as aforesaid:

(9) The Company is to sustain any loss by way of discount on the sale of the Debentures of the Corporation issued for the raising of the said loan and is to receive the benefit of any premium on such sale after deducting the bank charges and other expenses in connection therewith:

(10) The Corporation agrees to submit to the electors of the said Town of Meaford, in the manner provided by statute in that behalf, as soon as practicable a by-law for authorizing the said loan to the Company and the granting of the exemptions and for the raising of the said sum of fifteen thousand dollars (\$15,000) by way of loan on the credit of the Debentures of the said Corporation repayable within the said period of twenty years as hereinbefore provided and generally for the carrying out of all the provisions of this Agreement. And the Company agrees to pay to the Corporation on demand the amount of the costs and expenses incurred by the Corporation in the submission of the said By-law to the electors and the issue and sale of the Debentures thereunder including the usual expenses of printing, publishing and registering the said By-law.

(11) It is understood and agreed that this Agreement shall in no way affect or prejudice the security, rights and privileges of the Corporation under the said Mortgage to the Corporation dated twenty-third day of March, 1903, and the Agreement dated December 11th, 1901, therein referred to, and that these presents (with the exception of the last preceding clause hereof) shall not be oper-



ative and binding upon the parties hereto unless and until the assent of the said electors shall have been obtained to the said by-law as heretofore provided.

IN WITNESS WHEREOF the proper officers of the Company have hereto set their hands and the seal of the Company and the Mayor of the said Corporation has hereunto set his hand and the seal of the Corporation:

The Meaford Manufacturing Co. Limited.

GEORGE McLAGAN, *President.*

W. C. WILLSON, *Secretary.*

Signed, sealed and delivered in the presence of C. Farquharson.

The Corporation of the Town of Meaford.

J. G. CLARKE, *Mayor.*

GEO. G. ALBERY, *Clerk.*

(as to signatures of John G. Clarke and George G. Albergy)

JNO. S. WILSON.

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## SCHEDULE "B."

### CORPORATION OF THE TOWN OF MEAFORD.

#### BY-LAW No. 32, A.D. 1912.

*To authorize the granting of a Bonus by way of a loan of the sum of \$20,000.00 to James Randle of the Town of Meaford, Manufacturer of Woollen Goods.*

WHEREAS in and by an agreement bearing date the 29th day of May, A.D. 1912, made between the said James Randle (therein and hereinafter called the Mortgagor) and the said Corporation of the Town of Meaford (therein and hereinafter called the Corporation) (a duplicate of which Agreement is hereto annexed and is to be taken and read as a part of this By-law) the said James Randle agrees to erect certain factory buildings of cement concrete, and to rebuild and repair his present factory and dam in the Town of Meaford, and the Corporation agrees to grant to the said James Randle by way of bonus a loan of \$20,000.00 and certain exemption from taxes (except school taxes) and water for said factory premises, as provided in the said Agreement upon the terms and conditions in the said Agreement more particularly set forth and mentioned.

AND WHEREAS it is desirable in the interest of the said Corporation that the said Agreement should be carried out.

AND WHEREAS it is necessary in order to grant the said bonus by way of loan to borrow the sum of \$20,000.00 with interest as hereinafter provided, which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it is desirable to make the principal of the said debt repayable by yearly sums during the period of 20 years, being the currency of the said debentures, said yearly sums being of such amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be equal as nearly as possible to the amount so payable in each of the other nineteen years of the said period as shown in the schedule to this By-law.

AND



AND WHEREAS the total amount required by the "Consolidated Municipal Act, 1903," to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,604.85, subject to the provisions of Clause 6 of this By-law.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised Assessment Roll thereof is \$1,129,020.00 (exclusive of property assessed at \$110,120.00 liable for school taxes only).

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$205,324.31 whereof no sum either of principal or interest is in arrear.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Meaford and it is hereby enacted as follows:

(1) It shall be lawful for the said Corporation to loan to the said James Randle, Mortgagor, the sum of \$20,000.00 which sum shall be repayable (with interest at five per cent. per annum) by the Mortgagor in twenty equal annual instalments of principal and interest of \$1,604.85 each to become due and payable on the first day of December in each of the years 1913 and nineteen following years as in the said Agreement provided and upon the terms and conditions therein mentioned.

(2) And to carry out the said Agreement and perform and fulfill all the covenants and obligations on the part of the Corporation therein contained, and to grant to the said Mortgagor a total exemption from the payment of Municipal taxes (except school taxes) for the period of ten years from the first day of January, 1913, upon the factory lands, machinery and plant of the Mortgagor upon the terms and conditions in the said Agreement set forth and mentioned and as provided therein.

(3) The said Corporation shall raise the said sum of \$20,000.00 by way of debentures of the Corporation to the said amount of \$20,000.00 as aforesaid in sums of not less than \$100.00 each and the Treasurer of the said Town shall issue said debentures on the first day of July, 1912, and the said debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Molsons Bank in the said Town of Meaford.

(4) Each of the said debentures shall be signed by the Mayor and Treasurer of the Corporation who shall attach thereto the seal of the said Corporation.

(5) The said debentures shall bear interest at the rate of five per cent. per annum payable yearly at the said Molsons Bank on the first day of July in each year during the currency thereof, and shall have coupons attached for payment of said interest which coupons shall be signed by the Mayor and Treasurer of the said Corporation.

(6) During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Meaford the sum of \$1,604.85 for paying the amount due in each of the said years for principal and interest in respect of the said debt as shewn in the said schedule to this By-law—provided, however, that all moneys received from the Mortgagor on account of such loan shall forthwith after the receipt thereof be deposited to a special account in the Molsons Bank and that the moneys standing at the credit of such special account or a sufficient part thereof at the time of settling the total annual rate and making up the Collector's Roll for any year shall be applied in or towards payment of the amount falling due in such year for principal and interest on account of the debentures issued under this by-law, and that the amount to be raised in such year shall be reduced to the extent of the sum so applied.

(7) This By-law shall come into force and take effect on the final passing thereof.

(8) The votes of the electors of the said Town of Meaford shall be taken on this By-law at the following times and places, that is to say: on the 25th day of June, 1912, commencing at the hour of 9 o'clock in the forenoon and continuing until the hour of 5 o'clock in the afternoon of the same day by the following Deputy Returning Officers:

In the North Ward in the Town Hall, by Mr. Samuel McClain as Deputy Returning Officer, and Mr. S. D. Watt as Poll Clerk.

In the East Ward at the office of Mr. H. J. Ellis, Exchange Building, by Mr. H. J. Ellis as Deputy Returning Officer, and Mr. J. H. Barry as Poll Clerk.

In the West Ward at Mr. W. B. Treleaven's store on Trowbridge Street, by Mr. W. B. Treleaven as Deputy Returning Officer and Mr. Ernest E. Ellis as Poll Clerk.

(9) On the 22nd day of June, 1912, the Mayor shall attend at the Council Chamber at 10 o'clock in the forenoon to appoint persons to attend the various Polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

(10) The Clerk shall attend at the Council Chamber at the hour of eleven o'clock in the forenoon of the 26th day of June, 1912, to sum up the number of votes for and against this By-law:

Passed, signed and sealed in Council assembled this 5th day of July, A.D. 1912.

G. G. ALBERY, *Town Clerk.*

J. G. CLARKE, *Mayor.*

#### SCHEDULE.

Referred to in the foregoing By-law showing how the amount of \$1,604.85 thereby required to be raised annually by special rate is apportioned:

Year.	For Interest.	For Principal.	Total.
1913	\$1,000 00	\$ 604 85	\$1,604 85
1914	969 76	635 09	1,604 85
1915	938 00	666 85	1,604 85
1916	904 66	700 19	1,604 85
1917	869 65	735 20	1,604 85
1918	832 89	771 96	1,604 85
1919	794 29	810 56	1,604 85
1920	753 76	851 09	1,604 85
1921	711 21	893 64	1,604 85
1922	666 53	938 32	1,604 85
1923	619 61	985 24	1,604 85
1924	570 35	1,034 50	1,604 85
1925	518 62	1,086 23	1,604 85
1926	464 31	1,140 54	1,604 85
1927	407 29	1,197 56	1,604 85
1928	347 41	1,257 44	1,604 85
1929	284 52	1,320 33	1,604 85
1930	218 52	1,386 33	1,604 85
1931	149 20	1,455 65	1,604 85
1932	76 42	1,528 43	1,604 85

## AGREEMENT.

THIS AGREEMENT made in duplicate the twenty-ninth day of May, A.D. 1912

BETWEEN

James Randle, of the Town of Meaford, Woollen Manufacturer, (hereinafter called "The Mortgagor") of the first part

and

The Corporation of the Town of Meaford (hereinafter called "The Corporation") of the second part:

WHEREAS the said James Randle has for many years past been carrying on business as Manufacturer of Woollen Goods in the Town of Meaford, and on April 6th, 1912, his factory building, dam and flume were partially destroyed by flood whereby he has sustained great loss and damage; and he now desires to build another factory and to re-install modern and improved machinery therein with greater capacity and to rebuild and repair the factory building and the dam and flume heretofore used in the said business;

AND WHEREAS the said James Randle now alleges that he can take advantage of increasing trade and business with greater profits by increasing his factory capacity and can give employment to more workmen in the said Town and thereby promote the growth and prosperity of the Town;

AND WHEREAS the said James Randle has applied to the Corporation for a loan of \$20,000 repayable with interest as hereinafter mentioned,

NOW THIS AGREEMENT WITNESSETH and it is hereby agreed by and between the said parties hereto as follows:

(1) The Mortgagor agrees to construct and erect on his lands, being part of the Mill Reserve in the said Town, one main factory building about 110 feet by 50 feet of two storeys; one dye-house about 55 feet by 50 feet, one storey and basement and one wheel-house, 15 feet by 15 feet, all of cement concrete, and to instal therein spinning, carding, weaving and finishing machinery for the manufacture of blankets, yarns, sheetings and other woollen goods; the foregoing buildings and plant to be of modern and improved construction.

(2) The Mortgagor agrees to have the said last mentioned factory buildings erected and the machinery therein installed and ready for use and in operation on or before the first day of April, 1913, and in the meanwhile to rebuild the factory heretofore used by him and to operate the same until he can transfer his machinery and materials to the said new factory building, and to continuously operate the said manufacturing plant until the whole of the said loan of \$20,000 and interest shall have been fully repaid to the Corporation.

(3) The mortgagor agrees to increase the number of his employees and to employ continuously in and about his said factory plant 25 to 50 workmen.

(4) The amount of the said loan shall be advanced and paid to the Mortgagor as follows:—\$3,000 on the rebuilding of the present factory building being completed; \$2,000 on completion of extensions and repairs to the said dam; \$2,000 on completion of foundations for main factory building, dye-house and wheel-house; \$5,000 on completion of wall of main factory building and dye-house; \$8,000 on installation of all machinery in said new factory, provided all mechanic's liens and manufacturer's liens (if any) shall have been paid, satisfied and discharged.

(5)

(5) The Mortgagor further agrees to execute and deliver to the Corporation as Mortgagee a mortgage made in pursuance of the Short Forms of Mortgages Act upon all the factory land, buildings and plant of the Mortgagor in the Town of Meaford (which shall be first freed and discharged of and from all dower, liens and other incumbrances and duly registered in the Registry Office for the North Riding of the County of Grey) and such mortgage so to be executed and delivered as aforesaid shall include and for the purpose thereof all buildings, machinery and plant, and all chattels in the nature of machinery and plant not structurally affixed to the freehold as well as those of a like nature hereafter placed on the lands and premises of the Mortgagor shall be fixtures and shall be considered as part of the freehold; the lands to be comprised in the said Mortgage shall be all factory lands or real estate now occupied, used or owned by the Mortgagor in the said Town of Meaford and all rights and appurtenances thereto belonging or appertaining including all factory lands held by the Mortgagor under lease or otherwise which the Mortgagor hereby agrees to assign to the Corporation as security for the repayment of the said loan as aforesaid, and the mortgage hereby agreed to be executed shall secure the repayment to the Corporation of the sum of \$20,000 with interest at five per cent. per annum, payable yearly, in twenty equal instalments of principal and interest of \$1,604.85 each—the first of such instalments to become due and payable on the first day of December, 1913, and the following nineteen instalments or payments to become due and payable on the first day of December in each of the nineteen next following years, and said mortgage shall also secure the due fulfillment by the Mortgagor of all the covenants and agreements on the part of the Mortgagor in this Agreement contained, and provisions that such mortgage may be foreclosed by the Corporation should default be made by the Mortgagor in the payment of any of the instalments of principal and interest, or either, as agreed, or in the performance of any of the said covenants.

(6) And the said Mortgagor agrees to insure and keep insured during the currency of the said Mortgage against loss or damages by fire in Insurance Companies to be approved of by the Council of the said Corporation for the time being all the buildings, plant and machinery of his said factory, including all the buildings, machinery and plant now owned or occupied by the Mortgagor to the full insurable value thereof and in case of default the Corporation may insure the same and charge the premiums to the Mortgagor, and all such insurance shall be made payable to the Corporation as its interests may appear and all such insurance shall be effected through local Insurance Agents or Underwriters residing in the said Town of Meaford, provided, however, that the rates charged by such local Agents do not exceed the rates of insurance charged by others Agents or Underwriters.

(7) The Mortgagor is to sustain any loss by way of discount on the sale of debentures of the Corporation issued for the raising of the said loan and is to receive the benefit of any premium on such sale after deducting the Bank charges and other expenses in connection therewith.

(8) The Corporation agrees to extend their water mains to the edge of the said factory site at such site as may be mutually agreed upon and to grant to the said Mortgagor for factory purposes water from the said water mains without charge for ten years.

(9) The Corporation agrees to exempt by By-law the factory lands, buildings, machinery and plant of the Mortgagor in the said Town from the payment of all municipal taxes (except school taxes) for the period of ten years from the first day of January, A.D. 1913, or until default (if any) shall be made during such period in the performance of any of the covenants and agreements

on the part of the Mortgagor hereinbefore mentioned or contained: provided, however, that should the Mortgagor during the said period cease operations or cease to carry on business for a period of six months or become insolvent or make any assignment for the benefit of creditors or make default in the repayment of the said loan the said exemption shall thereupon cease, and the said lands, buildings and plant shall become liable for all municipal taxes as if the same had never been exempt as aforesaid.

(10) The Corporation agrees to submit to the electors of the said Town of Meaford in the manner provided by statute in that behalf, as soon as practicable, a by-law for authorizing the said loan to the Mortgagor and for raising of the said sum of twenty thousand dollars (\$20,000) by way of loan on the credit of the debentures of the said Corporation repayable with interest at five per cent. within the said period of twenty years as hereinbefore provided and generally for the carrying out of all the provisions of this Agreement. And the Mortgagor agrees to pay to the Corporation on demand the amount of the costs and expenses incurred by the Corporation in the submission of the said by-law to the electors and the issue and sale of the debentures thereunder including the usual expenses of printing, publishing and registering the said By-law.

(11) It is understood and agreed that this Agreement shall not be operative and binding upon the parties hereto unless and until the assent of the said electors shall have been obtained to the said By-law as hereinbefore provided.

IN WITNESS WHEREOF the Mortgagor has hereunto set his hand and seal, and the Mayor of the said Corporation has hereunto set his hand and the seal of the Corporation.

(Sgd.) JAMES RANDLE.

(L.S.)

The Corporation of the Town of Meaford.

J. G. CLARKE, Mayor.

GEO. G. ALBERY, Clerk.

### SCHEDULE "C."

#### THE CORPORATION OF THE TOWN OF MEAFORD.

BY-LAW No. 24, A.D. 1912.

*To raise by way of loan the sum of \$20,000.00 for Bridges and Roads.*

WHEREAS the Municipal Council of the Corporation of the Town of Meaford deem it necessary and expedient to raise the sum of \$20,000.00 by way of loan on debentures for defraying the cost of constructing a new bridge over the Bighead River on Sykes Street and the removal of the high truss bridge from Sykes Street and the erection of the same on concrete abutments on the road connecting Edwin and Owen Streets and the cost of building new culverts and repairing roads destroyed by floods.

AND WHEREAS it is desirable to make the principal of the said debt repayable by yearly sums during the period of 20 years, being the currency of the said debentures, said yearly sums being of such amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be equal as nearly as possible to the amount so payable in each of the other nineteen years of the said period as shown in the schedule to this By-law.

AND

AND WHEREAS the total amount required by the "Consolidated Municipal Act, 1903," to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,604.85.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll thereof is \$1,129,020 (exclusive of property assessed at \$110,120.00 liable for school taxes only).

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$205,324.31 whereof no sum either of principal or interest is in arrear.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Meaford and it is hereby enacted as follows:

(1) It shall be lawful for the Council of the said Corporation to raise the said sum of \$20,000.00 by way of debentures of the Corporation to the said amount of \$20,000.00 for the purposes aforesaid (in sums of not less than \$100.00 each) and the Treasurer of the said Town shall issue said Debentures on the first day of August, 1912, and the said Debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Molsons Bank in the said Town of Meaford.

(2) Each of the said Debentures shall be signed by the Mayor and Treasurer of the Corporation who shall attach thereto the seal of the said Corporation.

(3) The said Debentures shall bear interest at the rate of five per cent. per annum payable yearly at the said Molsons Bank on the first day of August in each year during the currency thereof and shall have coupons attached for payment of said interest which coupons shall be signed by the Mayor and Treasurer of the said Corporation.

(4) During the currency of the said Debentures there shall be raised annually by special rate on all the rateable property in the said Town of Meaford the sum of \$1,604.85 for paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in the said schedule to this By-law.

(5) This By-law shall come into force and take effect on the final passing thereof.

(6) The votes of the electors of the said Town of Meaford shall be taken on this By-law at the following times and places, that is to say, on the ninth (9th) day of July, 1912, commencing at the hour of 9 o'clock in the forenoon and continuing until the hour of 5 o'clock in the afternoon of the same day by the following Deputy Returning Officers:

In the North Ward in the Town Hall by Mr. Samuel McClain as Deputy Returning Officer and Mr. S. D. Watt as Poll Clerk.

In the East Ward at the Office of Mr. H. J. Ellis, Exchange Building, by Mr. H. J. Ellis as Deputy Returning Officer and Mr. A. Burritt as Poll Clerk.

In the West Ward at Mr. W. B. Treleaven's store on Trowbridge Street by Mr. W. B. Treleaven as Deputy Returning Officer and Mr. Ernest E. Ellis as Poll Clerk.

(7) On the 8th day of July, 1912, the Mayor shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend the various polling places aforesaid and at the final sum-

ming up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

(8) The Clerk shall attend at the Council Chamber at the hour of eleven o'clock in the forenoon of the 10th day of July, 1912, to sum up the number of votes for and against this By-law.

Passed, signed and sealed in Council assembled this 22nd day of July, A.D. 1912.

G. G. ALBERY, *Town Clerk.*

J. G. CLARKE, *Mayor.*

### SCHEDULE.

Referred to in the foregoing By-law showing how the amount of \$1,604.85 thereby required to be raised annually by special rate, is apportioned.

Year.	For Interest.	For Principal.	Total.
1913.....	\$1,000 00	\$604 85	\$1,604 85
1914.....	969 76	635 09	1,604 85
1915.....	938 00	666 85	1,604 85
1916.....	904 66	700 19	1,604 85
1917.....	869 65	735 20	1,604 85
1918.....	832 89	771 96	1,604 85
1919.....	794 29	810 56	1,604 85
1920.....	753 76	851 09	1,604 85
1921.....	711 21	893 64	1,604 85
1922.....	666 53	938 32	1,604 85
1923.....	619 61	985 24	1,604 85
1924.....	570 35	1,034 50	1,604 85
1925.....	518 62	1,086 23	1,604 85
1926.....	464 31	1,140 54	1,604 85
1927.....	407 29	1,197 56	1,604 85
1928.....	347 41	1,257 44	1,604 85
1929.....	284 52	1,320 33	1,604 85
1930.....	218 52	1,386 33	1,604 85
1931.....	149 20	1,455 65	1,604 85
1932.....	76 42	1,528 43	1,604 85

\$20,000 00

### SCHEDULE "D."

#### THE CORPORATION OF THE TOWN OF MEAFORD.

#### BY-LAW No. 53, A.D. 1912.

*To provide for borrowing \$8,250.00 upon debentures to pay for the construction of certain sidewalks.*

WHEREAS petitions have been presented to the Municipal Council of the Corporation of the Town of Meaford praying that certain sidewalks therein and hereinafter mentioned should be constructed and laid down upon and along the streets mentioned in Schedule "A" to this By-law as Local Improvements under the provisions of "The Local Improvement Act."

AND WHEREAS the total cost of the said work is \$8,250 of which \$3,900 is the Corporation's portion of the cost and \$4,350 is the owners' portion of the cost for which a special assessment roll has been duly made and certified.

AND



AND WHEREAS the estimated lifetime of the said work is twenty years.

AND WHEREAS it is necessary to borrow the said sum of \$8,250.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of five per cent. per annum which is the amount of the debt intended to be created by this by-law.

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

AND WHEREAS it will be necessary to raise annually the sum of \$662.00 during the period of twenty years to pay the said yearly sums of principal and interest as they become due, of which \$312.95 is required to pay the Corporation's portion of the cost and the interest thereon and \$349.05 is required to pay the owners' portion of the cost and the interest thereon.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$1,098,669.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$203,421.62 and no part of principal or interest is in arrear.

THEREFORE the Municipal Council of the Corporation of the Town of Meaford enacts as follows:

(1) That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$8,250 and debentures shall be issued therefor in sums of not less than \$100 each bearing interest at the rate of five per cent. per annum and having coupons attached thereto for the payment of the interest.

(2) The debentures shall all bear the same date and shall be issued within two years and shall be payable in twenty annual instalments during the twenty years after the time when the same are issued and the respective amounts of principals and interest payable in each of such years shall be as set forth and specified in Schedule "B" to this By-law:

(3) The debentures as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain at the rate of one pound sterling for each \$4.86 2-3 cents and may be payable at any place in Canada or Great Britain:

(4) The Mayor and Treasurer of the Corporation shall sign and issue the debentures and interest coupons and the debentures shall be sealed with the seal of the Corporation:

(5) During twenty years the currency of the debentures the sum of \$662.00 shall be raised annually for the payment of the debt and interest as follows:

(a) The sum of \$312.95 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon and shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality at the same time and in the same manner as other rates;

(b) For the payment of the owners' portion of the cost and the interest thereon the special assessment set forth in the said special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth which said special Assessment with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$349.05 and for that purpose the special annual rates per foot frontage set forth in schedule "A" to this By-law hereto attached are hereby imposed upon the Lots or Lands entered in the said special Assessment Roll according to the assessed frontage thereof over and above all other rates and taxes and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates:

(6) The debentures may contain any clause providing for the registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof;

(7) The amount of the loan authorized by this By-law may be consolidated with the amount of any loans authorized by other local improvement by-laws by including the same with such other loans in a consolidating By-law authorizing the borrowing of the aggregate thereof as one loan and the issue of debentures for such loan in one consecutive issue pursuant to the provisions of the statute in that behalf:

(8) This By-law shall take effect on the day of the final passing thereof:

Passed, signed and sealed in Council assembled this 19th day of August, A.D., 1912.

J. G. CLARKE, *Mayor*.

GEO. G. ALBERY, *Town Clerk*.

(Seal.)

## SCHEDULE "A" REFERRED TO IN THE ANNEXED BY-LAW NO. 53, A.D. 1912.

## OF THE CORPORATION OF THE TOWN OF MEAFORD.

(1) Serial No.	(2) Location of Sidewalks and name of Street and side of Street and the lands directly abutting to be spe- cially assessed according to the extent of their respective frontages thereon.	(3) Frontage (in ft.) of lands directly abutting and to be specially assessed.	(4) Total cost of each works.	(5) Portion of such cost to be borne by whole Muni- cipality.	(6) Portion of such cost to be specially assessed on lands direct- ly abutting.	(7) Amount to be raised annually for debt and interest by special rate on said frontage.	(8) Annual rate per ft. front- age on said lands (in cts.).
(1)	St. Vincent Street, East side, between Gershon and Aikens Streets .....	1439' 1"	\$1,359 22	\$788 59	\$570 63	\$45 79	3.18
(2)	Parker Street, South side, from Sykes Street to a point distant 242 feet 2 inches East thereof .....	242' 2"	157 26	63 67	93 59	7 51	3.10
(3)	Cook Street, East side, between Nelson and Trow- bridge Streets .....	332'	302 88	134 63	168 25	13 50	4.06
(4)	Pearson Street, West side, from Nelson Street to a point distant 822.5 feet North of Nelson Street...	822' 5"	580 24	257 63	322 61	25 88	3.15
(5)	Frederick Street, West side, from Bridge Street to Boucher Street .....	393' 6"	265 16	122 10	143 06	11 48	2.92
(6)	Marshall Street and Gershon Street, North side, from Denmark Street to a point 1,325 feet East of Denmark Street, and on the South side from East of Denmark Street to a point distant 809 feet East thereof .....	1612'	1,495 40	735 51	759 89	60 97	3.78
(7)	Nelson Street, North side, from Pearson Street to a point 956 feet West thereof assessable with 60% of cost, and on Nelson Street, South side, from Pearson Street to a point 925 feet West thereof, chargeable with 20 per cent. of cost .....	1881'	599 59	246 11	353 48	28 36	1.51

## SCHEDULE "A"—Continued.

(1) Serial No.	(2) Location of Sidewalks and name of Street and side of Street and the lands directly abutting to be spe- cially assessed according to the extent of their respective frontages thereon.	(3) Frontage (in ft.) of lands directly abutting and to be specially assessed.	(4) Total cost of each works.	(5) Portion of such cost to be borne by whole Muni- cipality.	(6) Portion of such cost to be specially assessed on lands direct- ly abutting.	(7) Amount to be raised annually for debt and interest by special rate on said frontage.	(8) Annual rate per ft. front- age on said lands (in cts.).
(8)	Frederick Street and St. Vincent Street, East side, between Gershon and Bridge Streets .....	801' 5"	\$958 54	\$457 55	\$500 99	\$40 20	5.02
(9)	Miller Street, North side, from a point 138 feet West of Owen Street, to a point 442 feet West of Owen Street .....	304' 5"	189 55	75 83	113 72	11 00	3.61
(10)	Lombard Street, North side, from Cook Street to a point 877 feet West thereof .....	795'	532 72	243 01	289 71	23 25	2.92
(11)	Owen Street, West side, from Berry Street to a point 106 feet 2 inches North thereof .....	106' 2"	72 14	31 49	40 65	3 26	3.07
(12)	Margaret Street, North side, from St. Vincent Street to a point 1,143 feet East thereof, and on the South side from a point 1,143 feet East thereof; to a point 1,684 feet East thereof .....	1618' 8"	1,337 68	597 43	746 25	59 88	3.70
(13)	Cook Street, West side, between Berry Street and Miller Street .....	511'	386 67	154 67	232 00	18 62	3.64

## SCHEDULE "B."

Referred to in By-law No. 53, A.D. 1912, shewing how the annual amount \$662.00 thereby required to be raised annually by special rate is apportioned:

Year.	Interest.	Principal.	Total
1913	\$412 50	\$249 50	\$662 00
1914	400 02	261 98	662 00
1915	386 93	275 07	662 00
1916	373 17	288 83	662 00
1917	358 73	303 27	662 00
1918	343 57	318 43	662 00
1919	327 65	334 35	662 00
1920	310 93	351 07	662 00
1921	293 37	368 63	662 00
1922	274 95	387 05	662 00
1923	255 59	406 41	662 00
1924	235 27	426 73	662 00
1925	213 93	448 07	662 00
1926	191 52	470 48	662 00
1927	168 00	494 00	662 00
1928	143 30	518 70	662 00
1929	117 37	544 63	662 00
1930	90 14	571 86	662 00
1931	61 54	600 46	662 00
1932	31 52	630 48	662 00
		<hr/>	
		\$8,250 00	

## CHAPTER 105.

## An Act respecting the Town of Midland.

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Town of Midland has Preamble.  
by petition represented that By-law No. 791 of the said Corporation was duly passed to authorize the expenditure of \$8,000.00 for the purpose of constructing permanent cement sidewalks in the Town of Midland, and to raise the said sum by the issue of Debentures of the said Town of Midland, after having been submitted to the duly qualified Ratepayers of the Town of Midland and having been carried by a vote of 386 for the said By-law and 106 against the said By-law, and it is desired to confirm the said By-law and the Debentures to be issued thereunder; and whereas the said Corporation has by its petition represented that By-law No. 830 of the said Corporation was duly passed for the purpose of granting a bonus of \$25,000.00 to the Midland Dry Dock Company, Limited, for the construction and establishment of a floating dry dock and building berth in the said Town of Midland, and to confirm an agreement set out in full in the schedule of the said By-law, after having been submitted to the duly qualified Ratepayers of the Town of Midland, in accordance with the provisions of the Municipal Act and amendments in that behalf, and having been carried by a vote of 597 for the said By-law and 46 against the said By-law, and it is desired to confirm the said By-law and the agreement set out in the schedule thereto; and whereas the said Corporation has by its said petition further represented that it is desired to extend the reservoir and waterworks property of the Corporation of the Town of Midland by securing certain additional lands for the purpose of controlling springs and streams in order to increase the supply of water and render the same pure and free from contagion, and the purchase of the said lands has been recommended to the Corporation by the Provincial Board of Health, and the Corporation wish to purchase such additional lands, and to issue debentures to raise the purchase price thereof; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE .

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law 791  
confirmed.

1. By-law No. 791 of the Corporation of the Town of Midland, intituled "A By-law to authorize the Corporation of the Town of Midland to expend the sum of \$8,000 for the purpose of constructing permanent cement sidewalks in the Town of Midland, and to raise the said sum by the issue of debentures, and the debentures issued, or to be issued, thereunder, are hereby confirmed and declared legal, valid and binding on the said Corporation and the ratepayers thereof.

By-law 830  
confirmed.

2. By-law No. 830 of the Corporation of the Town of Midland, set out in full in Schedule "A" to this Act, and the debentures issued, or to be issued thereunder, are hereby confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof, and the agreement set out in the Schedule "B" to the said By-law is hereby declared to be legal, valid and binding on the said Corporation and the Midland Dry Dock Company, Limited, and the Canadian Dredging Company, Limited.

Power to  
purchase  
land and  
issue  
debentures

3. It shall be lawful for the Corporation of the Town of Midland to purchase such additional land, or lands, as may be required, from time to time, for the extension and improvement of the reservoir and waterworks property of the Town of Midland and the said Corporation shall have power to borrow a sum not exceeding \$20,000 by the issue of debentures for the purchase money thereof, from time to time, as may be necessary, and either in one amount, or several amounts, such lands to be purchased and the debentures to be issued within five years from the date hereof, and the debentures to extend over a period of twenty years and bear interest at five per cent per annum, and such debentures may be legally issued without submitting any By-law for that purpose to the ratepayers of the Town of Midland.

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## SCHEDULE "A."

### TOWN OF MIDLAND.

#### BY-LAW No. 830.

*A By-law to grant a bonus of \$25,000.00 to Midland Dry Dock Company, Limited, for the construction and establishment of a floating dry dock and building berth, and to confirm an agreement with the said Company.*

WHEREAS



WHEREAS the Midland Dry Dock Company, Limited, have been incorporated with power to construct a floating dry dock and building berth for the construction and repair of steel and wooden vessels in the Town of Midland in the County of Simcoe, and have applied to the Corporation of the Town of Midland to assist the said enterprise by the grant of a bonus of the sum of Twenty-five thousand dollars (\$25,000.00), upon the terms and conditions set forth in this By-law, and in an agreement entered into between the Corporation of the Town of Midland and the said Company:

And whereas the construction and establishment of the said floating dry dock and building berth, in the Town of Midland, will cause the expenditure of a large sum of money in the said Town of Midland, and will give employment to a considerable amount of labor in the said Town of Midland, and the operation of the said dry dock and building berth will tend to assist, and encourage the marine trade in the Port of Midland, and the Corporation of the Town of Midland consider it expedient to grant the said bonus upon the terms hereinafter provided for, and as set out in the agreement shown in Schedule "B" hereto;

And whereas the whole rateable property of the said Town of Midland, according to the last Revised Assessment Roll (being the Assessment Roll for the year 1912) is the sum of \$1,905,355.00;

And whereas the existing debenture debt of the said Town of Midland, is the sum of \$396,768.00, of which no part either for principal, or interest, is in arrear;

And whereas it is proposed to raise the said sum of \$25,000.00 by the issue of debentures for that amount, which is the amount of the debt intended to be created by this By-law, which said debentures shall bear interest at the rate of five (5) per cent per annum, and shall be payable one each in the twenty years, from and after the passing of this By-law. The said yearly sum being of such an amount that the aggregate amount payable each year for principal and interest in respect of the said debt, shall be as nearly as possible equal to the amount payable in each of the other years of the said period;

And whereas the total amount required to be raised annually by special rate against all the rateable property of the said Town of Midland to pay the said debentures, and interest, is the sum of \$2,006.06, respectively. Annual payments for principal and interest being shown in Schedule "A" to this By-law;

Therefore the Municipal Council of the Town of Midland enacts, as follows:

1. That it shall be lawful for the Corporation of the Town of Midland to grant the sum of \$25,000.00 to the Midland Dry Dock Company, Limited, to assist in the establishment and construction of a dry dock and building berth in the Town of Midland in the County of Simcoe, and Province of Ontario, and to be erected on the property shown in the said agreement, set out in full in Schedule "B" to this By-law, upon the terms, and subject to the conditions set out in the said agreement.

2. That for the purpose of raising the said sum of \$25,000.00, twenty debentures of the Corporation of the Town of Midland (amounting for principal in all to the said sum of \$25,000.00) shall be issued in the sum of \$2,006.06 each, and shall be issued on

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the First day of July, 1913, payable one each on the First day of July in each of the years 1914 and 1933 (inclusive) at the Office of the Treasurer of the Town of Midland, without interest. The interest on the said loan, calculated at the rate of five per cent. per annum, being already included in the amount of the said debentures.

3. Upon the final passing of this By-law, it shall be lawful for the Corporation of the Town of Midland, to execute and deliver the agreement with the Midland Dry Dock Company, Limited, set out in full in Schedule "B" to this By-law, and the Mayor and the Clerk of the said Corporation are hereby authorized to affix the Corporate Seal of the said Corporation on the said agreement and execute the same.

4. Upon the final passing of this By-law, it shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the said Debentures, hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

5. That during the currency of the said debentures there shall be raised annually by special rate on all the rateable property of the said Town of Midland, the sum of \$2,006.06 for the purpose of paying the amount due in each of the said years for principal, and interest, in respect of the said debt.

6. The votes of the qualified electors of the said Municipality shall be taken on this By-law at the following times and places, namely, on Monday, the sixth day of January, 1913, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places, and by the persons hereinafter set out.

7. The places for taking the votes of the said electors, and the names of the Deputy Returning Officers and Poll Clerks, shall be as follows:

For Ward No. 1 at J. M. Wallace's Office, Toronto Street by John Anderson, as Deputy Returning Officer, and George Dudley, as Poll Clerk.

For Ward No. 2 at Ingram Block, Dominion Avenue by William J. Jones, as Deputy Returning Officer, and Keith Milliken, as Poll Clerk.

For Ward No. 3 at the Lockup, by David A. Patchell, as Deputy Returning Officer, and Arthur Hanna, as Poll Clerk.

For Ward No. 4 at the Council Chamber by Hector A. McLean, as Deputy Returning Officer, and Russell Haines, as Poll Clerk.

8. On the Fourth day of January, 1913, the Mayor will attend at the Council Chamber in the Town of Midland at the hour of ten o'clock in the forenoon to appoint persons to attend at the said polling places, and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in, and desirous of promoting, or opposing the passing of this By-law.

9. The Clerk of the Municipality shall attend at the Council Chamber at ten o'clock in the forenoon on Tuesday, the Seventh day of January, 1913, to sum up the number of votes given for and against this By-law, and to declare the result thereof

10. This By-law shall not come into force, or take any effect whatever, until it shall have been confirmed by a Private Act of the Legislature of the Province of Ontario, or by other sufficient Legislative authority, but shall come into force and take effect immediately after such confirmation.

By-law read a first and second time at a special meeting of the Municipal Council of the Town of Midland duly called for that purpose, and held at the Office of the Clerk of the Town of Midland on Tuesday, the tenth day of December, A.D. 1912, at which eight members of the Council were present and eight members thereof voted in favor of the first and second reading of the said By-law.

(Sgd.) DIGBY HORRELL,  
*Mayor.*

(Sgd.) FRANK R. WESTON,  
*Clerk.*

(Seal of the Town  
of Midland.)

By-law read a third time and finally passed at a meeting of the Municipal Council held on January the 13th, 1913, at which all members were present and voted in favor.

(Sgd.) H. J. CRAIG,  
*Mayor.*

(Sgd.) FRANK R. WESTON,  
*Clerk.*

Schedule "A" showing the annual payment for Principal and interest due under the foregoing By-law No. 830.

Year.	Interest.	Principal.	Annual Payment.
1914 .....	\$1,250 00	\$756 06	\$2,006 06
1915 .....	1,212 19	793 87	2,006 06
1916 .....	1,172 50	833 56	2,006 06
1917 .....	1,130 82	875 24	2,006 06
1918 .....	1,087 06	919 00	2,006 06
1919 .....	1,041 11	964 95	2,006 06
1920 .....	992 85	1,013 21	2,006 06
1921 .....	942 20	1,063 86	2,006 06
1922 .....	889 01	1,117 05	2,006 06
1923 .....	833 16	1,172 90	2,006 06
1924 .....	774 51	1,231 55	2,006 06
1925 .....	712 92	1,293 14	2,006 06
1926 .....	648 28	1,357 78	2,006 06
1927 .....	580 39	1,435 67	2,006 06
1928 .....	509 11	1,496 95	2,006 06
1929 .....	434 26	1,571 80	2,006 06
1930 .....	355 66	1,650 40	2,006 06
1931 .....	273 15	1,732 91	2,006 06
1932 .....	186 50	1,819 56	2,006 06
1933 .....	95 52	1,910 54	2,006 06
	<hr/>	<hr/>	
	\$15,121 20	\$25,000 00	

Schedule "B" showing the agreement referred to in the foregoing By-law No. 830.

Memorandum of agreement made in duplicate this 11th day of December, 1912.

Between:

The Corporation of the Town of Midland (hereinafter called the "Corporation") of the First Part,

and

Midland Dry Dock Company, Limited, (hereinafter called the "Company") of the Second Part,

and

Canadian Dredging Company, Limited, of the third part.

Whereas the Company have in contemplation the construction and establishment of a floating dry-dock and building berth for the construction and repair of steel and wooden vessels, in the Town of Midland in the County of Simcoe, and have applied to the Corporation to assist the said enterprise by the grant for a bonus of the sum of Twenty-five Thousand Dollars (\$25,000.00) upon the terms and conditions hereinafter set forth.

And whereas the Corporation consider it is desirable to encourage the establishment of the said Corporation in the Town of Midland, and to grant the said bonus upon the terms and conditions hereinafter set forth.

Now therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and conditions hereinafter contained, the parties hereto do hereby covenant, promise and agree each with the other in manner allowing, that is to say:—

1. The Company will cause to be constructed, established and equipped a floating dry dock and building berth at Midland, for the construction and repair of steel and wooden vessels, such dry dock and building berth, together with the other works used in connection therewith, to be of modern design, and substantial character, and to be fully and completely equipped with all necessary buildings, machinery, plant, motors and pumps.

2. The Dry dock and building berth shall be built and constructed in accordance with the plans prepared by Hugh Calderwood, Esquire, Marine Architect, which said plans have been signed on behalf of the said Company, and copies thereof so signed are filed in the Office of the Town Clerk of the Town of Midland.

Provided that the Company shall have the right, if it considers it advisable so to do, to alter the said plans to provide for any improvements thereto. Provided further that such alteration shall not, under any circumstances, reduce the total expenditure to be made by the Company under this Agreement, or reduce the capacity of the dry dock and building berth to be constructed thereunder.

3. The Dry dock shall be built in separate units, the first unit having a length of one hundred and fifteen feet, by a beam measurement of seventy-two feet, and having a lifting capacity of one thousand two hundred tons. Provision shall be made for the construction of additional units of the same size and capacity.

4. The Company agree that the first unit shall be finally constructed, equipped, and ready for operation before the First day of September, 1913, and the second unit shall be finally constructed, equipped and ready for operation before the First day of May, 1915.

5. The Company will employ an average of at least sixty (60) men for a period of three hundred (300) working days of ten hours per day during the full term of twenty years from and after the First day of January, 1913.

Provided

Provided that accidents in and to the works of the Company, labor strikes and other circumstances beyond the control of the Company, resulting in the temporary closing down of the works of the Company, or the temporary closing down of the works of the Company for the purpose of making repairs or alterations, shall not be deemed to be a breach by the Company of the terms of this Agreement.

6. The Company will pay the men employed by them twice a month in cash at the Town of Midland.

7. The Company shall not engage in or in any way be connected with any business as Merchants in the County of Simcoe, and will encourage its men to deal with the Merchants of the Town of Midland, but this provision will not in any wise limit the right of the Company to deal in and sell all ship's stores.

8. The Company will purchase the land hereinafter described and will pay the purchase money therefor in full, and in addition to the payment of the purchase money for the said land, the Company will expend the sum of One hundred thousand dollars (\$100,000.00) to One hundred and twenty-five thousand dollars (\$125,000.00) in the construction and the equipment of the first unit of the said dry dock and building berth, and in the necessary buildings, machinery and improvements in connection therewith.

9. The Company will construct, equip and have ready for operation the second unit of the said floating dry dock on or before the First day of May, 1915, and will expend in connection therewith the sum of Sixty-five thousand dollars (\$65,000.00) in addition to the amount previously expended for the purchase of the land, and the construction of the first unit.

10. The Company will operate the machinery in connection with the said dry dock and building berth by electric power, wherever it is reasonably possible for them to do so, and will purchase all the power used for the said plant from the Town of Midland, or from the Water and Light Commission thereof. The rates to be paid for such power shall not exceed the rates charged other customers, or consumers for power, having regard to the quantity of power used from time to time and the nature and extent of the service rendered.

11. The said bonus of Twenty-five thousand dollars (\$25,000.00) shall be payable to the Company as soon as the first unit of the said floating dry dock and building berth have been constructed, and the machinery used in connection therewith has been installed and in operation for a period of thirty days, and the Company shall have expended the sum of at least One hundred thousand dollars, (\$100,000.00) in addition to the purchase of the said lands.

12. In case the Corporation, after inspection of the plant by the Council is not satisfied that the land has been purchased and paid for and the dry dock and building berth have been constructed according to this Agreement, the parties hereto may appoint an independent, competent, Marine Architect or Engineer, whose duty it shall be to inspect the Dry dock and building berth and all other plant, premises and property of the Company, and also to examine the deeds, contracts, documents, books, vouchers and accounts of the Company, and to report whether the dry dock and building berth have been constructed according to this Agreement, and whether the said bonus of Twenty-five thousand dollars has been earned, and the report of such Architect or Engineer, when received, shall be final and binding on the parties hereto.

Provided that if the parties hereto are unable to agree on such Marine Architect or Engineer, the same shall be appointed on application to the County Judge of the County of Simcoe, Provided that the cost of such inspection and report shall be borne by the party hereto shown by such report to be in default.

13. The Company agrees to construct the said dry dock and building berth on that part of lot number one hundred and eight (108) in the Second Concession of the Township of Tay in the County of Simcoe, now in the Town of Midland, lying northerly of the tracks of the Grand Trunk Railway Company, and west of the Lumber Mill of James Playfair & Company, such property consisting of about seven acres of land and water lots, and a plan of the said property, with a full and complete description thereof, made by a Provisional Land Surveyor will be filed with the Clerk of the Town of Midland on or before the First day of March, 1913.

14. The said Dry dock shall be considered as part of the plant attached to this property and shall remain there as its headquarters, but it shall be open to the Company to remove and use the said Dry Dock wherever possible for trade purposes, and on the completion of such outside work, it shall be returned to the said site.

15. The Corporation agree to place a fixed assessment of Ten thousand dollars (\$10,000.00) on the property described in clause thirteen (13) to be purchased by the Company, and on the said Dry dock and building berth, and all premises, plant, machinery, used in connection therewith for all purposes of Municipal taxation, for a period of ten years from January First, 1913, and a like fixed assessment of Twenty thousand dollars for a further period of ten years from January, 1923, provided the same are not used for any other than the business of the Company as at present authorized, but it is understood that the said property shall be subject to taxes for school purposes according to law. Such fixed assessment shall include all additions to the dry dock and all building and improvements to be erected or made upon the above described lands, for the purpose of the Company as at present authorized during the term of twenty years from the First day of January, 1913, but such assessment shall not extend to or include any additional land purchased or acquired by the Company unless under further agreement made with the Corporation.

16. The location of all docks, wharves or harbor improvements shall be subject to the approval of the Department of Public Works of Canada, as may be required by latter.

17. The Company will operate the plant to the fullest extent the state of trade will permit, but it is hereby agreed that should the Company at any time cease to operate the plant, or be not able or willing to continue the operation of the same, it may give the Corporation one month's notice in writing of such intention, and at the end of such month, its obligations under this agreement shall cease and determine. In either of such cases the Company shall refund to the Corporation such sum, as shall be found to be due, calculated on the following basis, which sum shall be an ascertained and liquidated amount in full of all claims or demands, namely: The sum of One thousand two hundred and fifty dollars (\$1,250.00) for each year which remains of the period of 20 years hereinbefore provided for from the time of the ceasing\*to operate the plant or the giving of such notice, exclusive of the year in which the operation ceases or notice is given.

Provided that the Company shall not be considered to be in default under its obligations to operate the plant under the provisions of this section if no repair or construction work or vessels be received, provided the Company be ready for such work if offered.

18. The Company agree to assist the Corporation by all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario, confirming this Agreement, and also authorizing the passing of a By-law of the Municipal Council of the Town of Midland, providing for the granting of the said bonus of Twenty-five thousand dollars and for the issuing of Debentures for the said purpose, such Special Act to contain such further and other provisions, as shall be necessary to give full effect to the true intention  
of

of this Agreement, and the Company will contribute one half of the expense of securing such Legislation, not to exceed the sum of Two hundred dollars in any case.

19. And the party of the third Part becomes a party hereto for the purpose of guaranteeing that the second unit of the Dry Dock shall be constructed and equipped according to section Nine of this Agreement and that in default thereof the said Company will pay the Corporation the sum of Ten thousand Dollars (\$10,000.00) which sum shall be accepted by the Corporation as liquidated damages in full for all claims for breach of such covenant to construct and equip such unit and for breach of this guarantee.

This agreement is subject to the assent of the Ratepayers of the Town of Midland, being obtained in the manner provided by law for such a bonus, and is also subject to ratification by the necessary legislation, as hereinbefore provided.

In witness whereof the parties have hereunto set its seals and the names of its duly authorized Officers this                      day of December A.D. 1912.

(Seal of the Corporation)  
of the Town of Midland.

Signed, sealed and delivered in the presence of

H. J. CRAIG,  
*Mayor.*

FRANK R. WESTON,  
*Clerk.*

(Seal Dry Dock Company.)

MIDLAND DRY DOCK COMPANY.  
D. L. WHITE, Jr.,  
*Pres.*

D. S. PRATT,  
*Vice Pres.*

(Seal Canadian Dredging Co.)

CANADIAN DREDGING CO., LTD.

D. L. WHITE, Jr.,  
*Pres.*

D. S. PRATT,  
*Dir.*



## CHAPTER 106

## An Act respecting the Town of Newmarket.

*Assented to 6th May, 1913.*

Preamble.

1 Geo. V.  
c. 58.

**W**HEREAS certain owners of the lands within the Town of Newmarket petitioned to the Council of the said Town praying that concrete sidewalks might be constructed on Hunter Road and other streets within the corporate limits, under the provisions of *The Local Improvement Act*, and praying that the entire cost of such work, including the cost of intersections and reductions for irregular shaped lots, should be charged and assessed on the lots immediately abutting on the work and directly benefited thereby; and whereas the work has been constructed in accordance with such petition and debentures to cover the cost thereof have been issued by the said Municipal Council; and whereas in accordance with the petition the said Municipal Council has passed a By-law assessing the entire cost of the work against the lots benefited thereby rateably upon a frontage basis; and whereas it has been represented that all the provisions of *The Local Improvement Act* as to notice to owners, Court of Revision and due advertisements, have been complied with; and whereas the said Municipal Council is desirous that the said By-law be confirmed and the holder of the said debentures has petitioned that an Act may be passed to confirm the said By-law; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-Law  
No. 378  
confirmed.

1. By-law Number 378 of the Municipal Corporation of the Town of Newmarket set forth in the Schedule "A." to this Act and all debentures issued thereunder and all assessments made or to be made for the payment thereof are hereby validated and confirmed.

SCHEDULE

## SCHEDULE "A."

## BY-LAW No. 378.

By-law to provide for borrowing seven thousand six hundred and sixty dollars upon debentures to pay for the construction of Sidewalks on Hunter Road and other streets and roads as a local improvement under the provisions of the Local Improvement Sections of The Municipal Act.

Whereas pursuant to Construction By-law Number 377 a sidewalk has been constructed on the following streets as a local improvement under the provisions of the Local Improvement Sections of The Municipal Act, that is to say:—

- (a) The east and west sides of Hunter Road.
- (b) The east and west sides of Wesley Street.
- (c) The east and west sides of Indian Road.
- (d) The east and west sides of Roxborough Road.
- (e) The east and west sides of Vale Avenue.
- (f) The east and west sides of Lyons Street.
- (g) The east and west sides of Hughes Street.
- (h) The north and south sides of Crescent Road.
- (i) The north and south sides of Bogart Avenue.
- (j) The north side of Srigley Street so far as the same appears on Registered Plan Number 117.

And whereas the total cost of the work is seven thousand six hundred and sixty dollars (\$7,660.00), of which Two thousand four hundred and thirty-one dollars and fifty-five cents (\$2,431.55) is the Corporation's portion of the cost, and Five thousand two hundred and twenty-eight dollars and forty-five cents (\$5,228.45) is the owner's portion of the cost for which a special assessment roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty years.

And whereas in accordance with the prayer of the petition, upon which the said work was undertaken and in accordance with an agreement duly entered into by R. E. Kemerer and others, owners as aforesaid, with the Corporation, it is expedient that the whole cost of the work, namely, the sum of Seven thousand six hundred and sixty dollars (\$7,660.00) shall be levied and assessed upon the lands respectively abutting on the work in proportion with the respective frontage thereof.

And whereas it is necessary to borrow the said sum of Seven thousand six hundred and sixty dollars (\$7,660.00) on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of five per cent. per annum, which is the amount of the debt intended to be created by this by-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of Six hundred and fourteen dollars and sixty-six cents (\$614.66) during the period of twenty years to pay the said sums of principal and interest as they become due.

And

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is One million, one hundred thousand and seventy-five dollars (\$1,100,075).

And whereas the amount of the existing debenture debt of the Corporation is One hundred and one thousand nine hundred and forty-one dollars (\$101,941.00) and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Newmarket enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Seven thousand six hundred and sixty dollars (\$7,660.00) and debentures shall be issued therefor in sums of not less than one hundred dollars each bearing interest at the rate of five per cent. per annum. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and shall be payable in twenty equal annual instalments during the twenty years next after the time when the same were issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Annual Payment of Interest.	Annual Instalment of Principal.	When Principal and Interest are payable.	Total amount payable on Principal and Interest.
1 .....	\$383 00	\$231 66	1 year from issue	\$614 66
2 .....	371 43	243 23	2 years	614 66
3 .....	359 26	255 40	3 years	614 66
4 .....	<b>346 47</b>	<b>268 19</b>	<b>4 years</b>	<b>614 66</b>
5 .....	333 06	281 60	5 years	614 66
6 .....	318 79	295 87	6 years	614 66
7 .....	304 21	310 45	7 years	614 66
8 .....	288 68	325 98	8 years	614 66
9 .....	272 39	342 27	9 years	614 66
10 .....	255 27	359 39	10 years	614 66
11 .....	237 31	377 35	11 years	614 66
12 .....	218 43	396 23	12 years	614 66
13 .....	198 63	416 03	13 years	614 66
14 .....	177 83	436 83	14 years	614 66
15 .....	155 99	458 67	15 years	614 66
16 .....	133 07	481 59	16 years	614 66
17 .....	107 97	506 69	17 years	614 66
18 .....	83 69	530 97	18 years	614 66
19 .....	57 15	557 51	19 years	614 66
20 .....	29 30	585 36	20 years	614 66

2. The Mayor of the Corporation shall sign the said debentures and the same shall also be signed by the Treasurer of the Corporation and sealed with the seal of the Corporation.

3. During the twenty years' currency of the debentures the sum of Six hundred and fourteen dollars and sixty-six cents (\$614.66)

shall

shall be raised annually for payment of the debt and interest as follows, that is to say, the special assessment set forth in the said special assessment roll is hereby imposed upon the lands liable therefor as therein set forth, which said special assessment with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of Six hundred and fourteen dollars and sixty-six cents (\$614.66), and for that purpose an equal annual special rate of .06 655-1000 cents per foot frontage is hereby imposed upon each lot entered in the said special assessment roll according to the frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the Corporation at the same time and in the same manner as other rates.

4. This by-law shall take effect on the day of the final passing thereof.

Passed upon the Sixteenth day of December, 1912.

J. E. HUGHES,  
*Clerk.*

E. S. CANE,  
*Mayor.*

## CHAPTER 107.

An Act to confirm certain By-laws of the  
Town of North Bay.*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS the Corporation of the Town of North Bay has by petition represented that the Council of the said Corporation has passed a By-law No. 359 providing for borrowing \$60,500.00 upon debentures to pay for cement sidewalks constructed as local improvements in the years 1909, 1910 and 1911, also a By-law, No. 360, providing for borrowing \$21,000.00 upon debentures to pay for cement sidewalks constructed in the year 1912 as local improvements; that doubts have arisen respecting the sufficiency of the proceedings for undertaking the works, as local improvements, and respecting the validity of the said By-laws and of the debentures to be issued thereunder; and whereas the said Corporation has by its said petition further represented that the Council of the said Corporation has passed a By-law No. 361, providing for borrowing \$25,000.00 upon debentures to pay for sanitary sewers constructed in the years, 1909, 1910 and 1911 as local improvements, also a By-law, No. 362, providing for borrowing \$25,000.00 upon debentures to pay for sanitary sewers constructed in the year 1912; that the construction of some of the said sewers was undertaken at the request of the Provincial Board of Health and others upon petition, and doubts have arisen respecting the sufficiency of the proceedings for undertaking the said works as local improvements and respecting the validity of the said By-laws and of the debentures to be issued thereunder; the said sewers were and are necessary in the public interest on sanitary grounds; that Courts of Revision have been held for the hearing of complaints in respect of all the works hereinbefore referred to and special rates to pay for the same have been duly settled, and the said Corporation has by its petition prayed that the said By-laws and the debentures to be issued thereunder may be confirmed and declared to be legal and valid; and whereas no opposition has been offered by or on behalf of any ratepayer of the said Town or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 359 of the Municipal Corporation of the Town of North Bay entitled "A By-law to provide for borrowing \$60,500.00 upon debentures to pay for the construction of cement sidewalks constructed in the years 1909, 1910 and 1911 as local improvements" and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of North Bay and the ratepayers thereof and upon the lands upon which the said rates are thereby imposed. By-law  
No. 359  
confirmed.

2. By-law No. 360 of the Municipal Corporation of the Town of North Bay entitled "A By-law to provide for borrowing \$21,000.00 upon debentures to pay for the construction of cement sidewalks constructed in the year 1912 as local improvements," and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of North Bay and the ratepayers thereof and upon the lands upon which the said rates are thereby imposed. By-law  
No. 360  
confirmed.

3. By-law No. 361 of the Municipal Corporation of the Town of North Bay entitled "A By-law to provide for borrowing \$25,000.00 upon debentures to pay for the construction of sanitary sewers constructed in the years 1909, 1910 and 1911, as local improvements," and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of North Bay and the ratepayers thereof and upon the lands upon which the said rates are thereby imposed. By-law  
No. 361  
confirmed.

4. By-law No. 362 of the Municipal Corporation of the Town of North Bay entitled "A By-law to provide for borrowing \$25,000.00 upon debentures to pay for the construction of sanitary sewers constructed in the year 1912 as local improvements," and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of North Bay and the ratepayers thereof and upon the lands upon which the said rates are thereby imposed. By-law  
No. 362  
confirmed.

5. All debentures issued or to be issued under the authority of any of the said By-laws and substantially complying with the provisions of the By-law under which the same are issued shall be legal, valid and binding upon the said Corporation and it shall not be necessary for the purchaser of any of the said debentures to inquire into the validity of the By-law under the authority of which the same is issued. Debentures  
confirmed.

## CHAPTER 108.

## An Act to Incorporate the Town of Ojibway.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS certain owners of land in the Township of Sandwich West in the County of Essex have by petition represented that about 1,650 acres of land in such township bordering on the Detroit River and adjacent to the Town of Sandwich have been acquired as a site for proposed large steel and iron works; and whereas it has been made to appear that such works will be constructed and put into operation with despatch and that the population of such lands will be largely increased by reason of the construction and operation of such works and by the construction of dwelling houses for the workmen employed in such works; and whereas it has further been made to appear that it is intended to open up streets in the said lands and to lay down and construct sidewalks and pavements and to establish and operate waterworks and sewerage works and other public service works for the use of the inhabitants of such lands; and whereas the construction of all of such works will be facilitated by incorporating the inhabitants of such land as a town; and whereas the said petitioners have prayed that an Act be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of town of Ojibway.

**1.** The inhabitants of the land described in section 2 are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Ojibway," separate and apart from the township of Sandwich West.

Lands to be comprised in town.

**2.** The said Town of Ojibway shall comprise and consist of all that part of the said Township of Sandwich West described as follows, and being composed of those parts of farm lots numbered forty (40), forty-one (41), forty-two



(42), forty-three (43), forty-four (44), forty-five (45), forty-six (46), forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51), fifty-two (52), fifty-three (53), and fifty-four (54), in the first concession of the said Township of Sandwich West, commencing at the channel bank of the Detroit River at its intersection with the limit between farm lots numbers thirty-nine (39), and forty (40), produced to the said channel bank, thence following said last mentioned limit Easterly to the Westerly limit of the Matchett Road, thence Northerly following the said Westerly limit of the said Matchett Road, to its intersection with the said Northerly limit of the Eliot Road, thence Easterly following the said Northerly limit of the said Eliot Road to the Westerly limit of the Mill farm, which is also the Easterly limit of lot number forty-four (44); thence Northerly following the Westerly limit of the Mill farm and the production of the said line, to the limit between farm lots numbers forty-eight and forty-nine (49), thence Westerly following the said last mentioned limit to the Easterly limit of the Clark Road, thence Northerly following the Easterly limit of the said Clark Road, to its intersection with the Southerly limit of Farm lot fifty-four (54), thence Westerly following the Southerly limit of said farm lot number fifty-four (54), to the lands of Francis C. McMath, thence Northerly at right angles to said last mentioned limit one hundred and ninety-three feet more or less to the lands of the late William Wright in lot number fifty-four (54) aforesaid, thence Westerly parallel with the limit between lots numbers fifty-three (53), and fifty-four (54), aforesaid, along the limit of the lands of the said William Wright to the channel bank of the Detroit River, thence Southerly down stream following the channel bank of the Detroit River, to the place of beginning.

3.—(1) The council of the said Town shall consist of a <sup>Composition</sup> Mayor and four councillors. William Woollatt shall be the first Mayor, and William Costello Kennedy, Alexander W. Dawson, Alexander Leslie and Harold Raymond Hatcher, the first councillors of the said town. <sub>of council.</sub>

(2) The first mayor shall hold office for the remainder <sup>Term of</sup> of the year 1913, and until his successor is appointed and <sub>office of first</sub> has taken the declaration of office. <sub>mayor.</sub>

(3) The council shall on the second Monday in Janu- <sup>Appointment</sup> ary in each of the years 1914, 1915, and 1916 appoint one <sub>of subse-</sub> of themselves Mayor to hold office for the current year until <sub>quent</sub> his successor is appointed, and has taken the declaration of <sub>mayors.</sub> office.

Term of  
office of first  
councillors.

(4) The first councillors shall hold office until the 31st day of December, 1916, and until their successors have been appointed or elected and have taken the declarations of office.

Mayor  
eligible  
for re-  
appointment

(5) The person appointed Mayor in any year shall be eligible for reappointment for any succeeding year.

Filling of  
vacancies.

(6) In case a vacancy occurs from any cause prior to the 31st day of December, 1916, in the office of Mayor or councillors the council shall forthwith appoint a person to fill the vacancy, and he shall hold office for the remainder of the term for which his predecessor was appointed.

Representa-  
tion in  
county  
council.

4. Until the 31st of December, 1916, the town shall be represented in the council of the county by the Mayor only.

Removal of  
mayor or  
councillor  
by Lieut.-  
Governor.

5. The Lieutenant-Governor-in-Council at any time before the 31st day of December, 1916, may remove the Mayor or any councillor and appoint a person to hold office for the remainder of the term of his predecessor.

Taking of  
assessment

6. The council of the said town of Ojibway may pass a By-law for taking the assessment of the said town for the year 1914, between the first day of July and the first day of October, 1913, and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of November, 1913, then the time for closing the Court of Revision shall be three weeks from the day to which such time is extended and the final return by the Judge four weeks from that day.

Closing up  
existing  
highways.

7. No highway existing at the time of the passing of this Act shall be stopped up or closed without the consent of the Lieutenant-Governor in Council, who shall have full authority to stop up and close any highway on such terms as to diversion or otherwise as shall seem just.

Land de-  
tached from  
township

8. The land comprised in the said town is hereby detached from the Township of Sandwich West and the town shall form a separate and independent municipality.

Local option  
by-law  
deemed to  
be in force

9. For the purposes of this Act a by-law shall be deemed to have been passed in accordance with the provisions of section 141 of *The Liquor License Act* for prohibiting the sale by retail of spirituous, fermented or other manufactured liquor and all the provisions of *The Liquor License Act* shall apply, but the Council shall not have power to pass any repealing by-law.

R.S.O. 1897,  
c. 245.

**10.**—(1) Save as in this Act otherwise expressly provided all the provisions of *The Municipal Act* and of any other general Act applicable to towns shall apply to the said town to the same extent as if the said town had been incorporated under the provisions of *The Municipal Act*. Application of 3 Edw. VII. c. 19.

(2) The provisions of *The Municipal Act* as to the adjustment of assets and liabilities and as to matters consequent on the formation of new corporations shall apply as if the said land had been erected into a village instead of a town. 3 Edw. VII. c. 19.

**11.** The expenses incurred in obtaining this Act, and those of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any persons that may be entitled thereto. Expenses of Act, how paid.

**12.** The said town shall form part of the Electoral District of North Essex. Electoral district.

## CHAPTER 109.

## An Act respecting the City of Ottawa

*Assented to 6th May, 1913.*

Preamble.

**W**HILEAS the Corporation of the City of Ottawa has by its petition prayed for special Legislation in respect of the matters hereinafter set forth; and whereas it has been shown that under the special circumstances of the case it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provision  
for elec-  
tion of  
Board of  
Water Com-  
missioners.

**1.**—(1) The said Corporation may provide by By-law, to be passed without obtaining the assent thereto of the electors of the said City, for the management, maintenance and conduct of the Water Works of the said City and of all buildings, material, machinery, land, water and appurtenances thereunto belonging, by a Board of three elected and paid Commissioners of whom the head of the Council shall *ex officio* be one.

Application  
of 3-4 Geo.  
V. c. 41.

(2) The provisions of *The Public Utilities Act*, applicable to Municipal Water Works, except in so far as the same may be inconsistent with the provisions of this Act or of any other special Act relating to the Water Works of the said City, shall apply to and govern the said Board and the members thereof and the Water Works of the said City.

Power to se-  
cure water  
supply in  
Quebec.

**2.**—(1) The said Corporation may take from any lake or lakes in the County of Ottawa, in the Province of Quebec, and convey to the said City a supply of water for its Water Works, its Municipal purposes and the use of the inhabitants of the said City.

Power to  
supply muni-  
cipalities  
with water.

(2) The said Corporation may enter into agreements with any municipal corporation in Ontario or Quebec situate along the line of any supply pipe for supplying water to such corporation, and may supply water under the terms of any such agreement.

(3) The said Corporation may construct, maintain and operate all such works, and acquire by gift, purchase or expropriation and hold all such water, lake or lakes, land and water powers as may be necessary for the said purposes in the City of Ottawa and the County of Carleton, in the Province of Ontario and in the County of Ottawa, in the Province of Quebec.

Power to construct works and to acquire land.

(4) The said Corporation, by a vote of two-thirds of all the members of the council and with the approval of the Provincial Board of Health may provide by By-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in fifty (50) years from the date thereof, of a sum not exceeding Five Million Dollars (\$5,000,000) to provide for the cost of the construction of the said works and the acquisition of the said water, lake or lakes, land and water powers, and may expend the whole of the said sum or such part thereof as may be necessary in the construction of works and the acquisition of water, lake or lakes, land and water powers outside of the Province of Ontario.

Power to borrow \$5,000,000 for water-works purposes.

(5) The annual sum required to be levied for sinking fund under any by-law passed under the authority of subsection 4, shall be paid by the Treasurer of the City to the Treasurer of the Province of Ontario, so long as interest thereon at the rate of four per centum per annum, compounded yearly, is allowed thereon.

Payment of sinking fund to treasurer of Ontario.

**3.—**(1) The control and management of the construction, operation and maintenance of all works undertaken by the said Corporation for the distribution and supply of electrical power or energy is hereby vested in the Board of Control of the said City.

Electrical power works vested in Board of Control.

(2) In other respects the said works and their management shall be subject to the provisions of *The Public Utilities Act*.

3-4 Geo. V. c. 41.

(3) The said Corporation may, however, at any time, provide by by-law, to be passed without obtaining the assent thereto of the electors of the said City, for the transfer of the control and management of the said works to the Board of Commissioners provided for by section 1 of this Act.

Power to transfer control and management to Water-works Commissioners

Power to  
borrow for  
certain  
purposes.

4. The said Corporation may provide by By-law, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon issues of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty (20) years from the date thereof, of sums of money not exceeding the following for the following purposes:—

- (1) \$2,400 to provide for the cost of enlarging the Keefer Street Drain to prevent flooding from surface water from the Rideau Hall grounds;
- (2) \$12,000 to provide for the City's share of the cost of the construction of an Annex to Howick Hall in Lansdowne Park and the laying of a new concrete floor in the main building of the said Hall.
- (3) \$7,500 to provide for the cost of the extension of Kent Street Relief Sewer to Gloucester Street and along Gloucester Street westerly to Bay Street.
- (4) \$30,000 to provide for the cost of horses, wagons, carts, motor trucks and necessary equipment for the Works Department of the said Corporation and for a building for the accommodation of the same.
- (5) \$10,000 to cover the shortage on the sale of debentures issued to provide for the cost of the construction of a Smallpox Hospital in the said City, and to provide for the cost of furnishings and necessary equipment for the said hospital.
- (6) \$10,000 to provide for the cost of the fixtures, equipment and apparatus required for the new Bacteriological Laboratory of the said City.
- (7) \$10,000 to provide for the cost of moving back the sidewalks on Preston Street and preparing the said street for the extension of the Ottawa Electric Railway southerly to Carling Avenue.
- (8) \$15,000 to provide for the cost of boring artesian wells in the said City.

Power to  
borrow  
for cer-  
tain pur-  
poses.

5. The said Corporation by a vote of two-thirds of all the members of the council may provide by By-laws, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon issues of debentures

debentures bearing interest at such rate as the Council of the said Corporation may determine, payable in thirty (30) years from the date thereof, of sums of money not exceeding the following for the following purposes:—

- (1) \$35,000 to provide for the completion of the High Pressure Water Plant in connection with the Water Works System of the said City.
- (2) \$150,000 to provide for the cost of changing the present two-phase system of distribution in connection with the Electric Light System of the said City to one of three-phase, and of erecting a building for the storage of supplies.

6. The said Corporation may provide by By-laws, to be passed without obtaining the assent thereto of the electors of the said City, for the borrowing, upon issues of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty (30) years from the date thereof, of sums of money not exceeding the following for the following purposes:—

Power to borrow for certain purposes.

- (1) \$78,000 to provide for the cost of water main extensions and new services constructed during the year 1912.
- (2) \$4,000 to provide for the cost of the installation of Flush Valves on the dead ends of water mains.
- (3) \$85,000 to provide for the re-payment of the money already expended on the new aqueduct and intake pipe in connection with the Water Works System of the said City and for the cost of the completion of the same.
- (4) \$8,500 to provide for the discount on the sale of debentures issued under By-laws Numbers 3412 and 3337 of the said Corporation.

7. For the payment of the debt and interest represented by the debentures to be issued under the authority of the immediately preceding section there shall be annually raised by the said Corporation during the currency of the said debentures, with the authority conferred upon the said Corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, Queen Victoria, chaptered 80 and entitled "An Act for the construction of Water Works for the City of Ottawa," from the Water Rates, a sum sufficient to

Special annual rates.

discharge



discharge the said debt and interest when the same shall, respectively, become due; such sum to be in addition to the money required to be raised to meet the charges of maintenance and the cost of renewals in connection with the said works and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said Water Works, or to be charged against the said water rates; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then when and so often as the said deficiency shall occur there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation, according to the then last revised Assessment Roll thereof, a sum sufficient to make good such deficiency.

Applica-  
tion of pro-  
vision of  
Municipal  
Act.

8. Except as varied by this Act, the provisions of *The Municipal Act*, in relation to money by-laws and the debentures to be issued thereunder, shall apply to all by-laws to be passed under the preceding sections of this Act and to all debentures to be issued thereunder.

By-laws  
specified  
in Sched-  
ule "A" con-  
firmed.

9. The by-laws heretofore passed by the Council of the said Corporation, authorizing the construction of works as local improvements and the borrowing of money for the payment of the cost of the construction of such works and all debentures issued or to be issued thereunder, which by-laws are set out in Schedule "A" to this Act, and all assessments made or to be made and all rates levied or to be levied under the said by-laws, or any of them, for the payment of the said debentures are validated and confirmed.

Submission  
of ques-  
tion to  
electors.

10. The said Corporation may submit the following question to the electors of the said City under the provisions of *The Municipal Act*:—

- (1) "Are you in favor of a special tax rate, not exceeding one (1) mill on the dollar, being levied in 1914, to provide some relief for the typhoid sufferers?"
- (2) In the event of such question being answered in the affirmative, the said Corporation may levy the said rate, and out of the proceeds thereof may pay, in whole or in part, all claims made or to be made upon the said Corporation by sufferers from the epidemics of typhoid fever, which occurred in the said City in the years 1911 and 1912, or such proportion or part of any such claim as the Council of the said Corporation may, in its discretion, deem proper.

SCHEDULE

## SCHEDULE "A."

No. of By-law.	Nature of Work.	When Passed by Council.	Total cost.	Amount to be Borne by City.	Amount to be Borne by ratepayers.	Period of Payt	Rate of Int.
		1912.					
3476	Opening and Widening Leonard Avenue .....	4th Nov.	\$11,904.62	\$5,952.31	\$5,952.31	20 years	4½
3477	Widening of Wellington St. from Merton St. to Holland Avenue .....	"	43,729.26	21,864.63	21,864.63	"	4½
3478	Opening and Extending York St. from King Edward Ave. to Chapel St. ....	"	39,297.80	19,648.90	19,648.90	"	4½
3479	To defray ratepayers share of cost of certain sewers.....	"	4,457.35	893.44	3,563.92	"	4½
3480	certain asphalt pavements .....	"	187,361.49	93,800.61	93,560.88	"	4½
3481	do do concrete sidewalks .....	"	8,309.29	4,282.16	4,027.13	10 years	4
3482	do do concrete sidewalks .....	"	5,336.76	2,452.37	2,884.39	"	4
3483	do do plank sidewalks .....	"	591.86	265.81	326.05	5 years	4
3484	do do plank sidewalks .....	"	1,017.02	408.06	608.96	"	4
3485	To defray City's share of cost of certain concrete sidewalks..	"	.....	6,734.53	.....	10 years	4
3486	do do plank sidewalks .....	"	.....	673.87	.....	5 years	4
3487	do do asphalt pavements .....	"	.....	142,159.89	.....	20 years	4½
3496	do do certain local improvements .....	2nd Dec.	44,989.68	21,099.00	23,890.68	10 years	4
3497	do do do .....	"	901.01	364.83	545.18	5 years	4
3498	do do do .....	"	122,411.92	57,983.75	64,428.17	20 years	4½
3499	do do do .....	"	18,050.44	3,350.60	14,699.84	"	4½
3500	Opening and Extending Bristol Avenue .....	"	2,102.95	1,051.47	1,051.48	"	4½
3501	Widening of Irving Avenue. ....	"	2,584.92	1,033.97	1,550.95	"	4½
3502	To consolidate the sums authorized to be borrowed by certain local improvement By-laws .....	"	.....	145,150.23	.....	"	4½
		1913.					
3524	Opening of River Lane .....	17th Feb.	860.43	430.21	430.22	"	4½
3525	Opening of Ladouceur Avenue .....	"	17,545.21	10,325.04	7,219.17	"	4½

## CHAPTER 110.

## An Act respecting the Town of Owen Sound.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS the Corporation of the Town of Owen Sound by petition has represented that it is desirable and in the interest of the said Town that the said Corporation should acquire the lands mentioned in By-law No. 1581 of the said Town of Owen Sound for the purpose of disposing of same for factory sites; that the said By-law has been duly submitted to the electors of said Town and finally passed, subject to such consent as might be necessary as set out in said By-law, and that owing to the smallness of the amount of the debentures it is proposed that the said Corporation purchase same out of their Sinking Funds; and whereas the said Corporation has prayed that an Act may be passed confirming and validating the said By-laws and the debentures issued or to be issued thereunder and authorizing the said Corporation to purchase said debentures out of the Sinking Funds of the said Corporation not required for the retirement of debentures until after the maturity of the debentures issued under said By-law; and whereas it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 1581  
confirmed.

**1.** By-law No. 1581 of the Town of Owen Sound intituled "A By-law to provide for the purchase of certain lands for Factory sites" as set out as Schedule "A" hereto, and all debentures issued or to be issued under said By-law and all levies, rates and assessments to be made for the payment of said debentures are confirmed and declared to be legal, valid and binding.

Power to  
purchase  
debentures.

**2.** The said Corporation may purchase such debentures out of any of its sinking funds not required for the retirement of debentures until after the maturity of the Debentures issued or to be issued in pursuance of said By-law.

3. In case of a re-sale by the Corporation of the lands described in said By-law the consideration for such re-sale shall be equal to or in excess of the actual cost to the Corporation of the said lands, or in case of such re-sale in parcels the consideration for the purchase of each parcel shall bear a rateable proportion to such cost. A recital in the conveyance in case of any or every such re-sale that the provisions of this section have been complied with shall be sufficient evidence of such compliance.

Consideration to be obtained by corporation in case of re-sale.

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### SCHEDULE "A."

#### BY-LAW NO. 1581 OF THE TOWN OF OWEN SOUND.

##### A BY-LAW TO PROVIDE FOR THE PURCHASE OF CERTAIN LANDS FOR FACTORY SITES.

WHEREAS the Council of the Town of Owen Sound deems it expedient that the said Corporation should acquire the lands hereinafter mentioned for the purpose of disposing of same for factory sites.

AND WHEREAS for said purchase it is necessary to create a debt of \$4,000, and to issue debentures therefor in the manner hereinafter set forth.

AND WHEREAS \$523.16 is the total amount required to be raised annually by special rate for a period of ten years for paying the said debt and interest thereon at the rate of four and three-quarters per cent. per annum, according to the terms of this By-law.

AND WHEREAS the whole rateable property of the said Town of Owen Sound according to the last revised Assessment Roll is \$5,873,510, being for the year 1912.

AND WHEREAS the existing debenture debt of the Town of Owen Sound amounts to the sum of \$1,158,240.38, and the amount exclusive of local improvement debt secured by special rate of assessment is \$986,432.21, and there is no part of the principal or interest of the said existing debt in arrear.

The Municipal Council of the Corporation of the Town of Owen Sound therefore enacts as follows:—

1. It shall be lawful for the said Corporation to acquire the lands described in Schedule "A" hereto, which is hereby incorporated with and forms part of this By-law, at an expenditure not exceeding \$4,000, the said lands to be so acquired for the purpose of disposing of same for factory sites.

2. It shall be lawful for the Town of Owen Sound for the purpose aforesaid to issue debentures of the said Municipality in sums of not less than \$100 each, to the extent of \$4,000, which sum is the amount of the debt intended to be created by this By-law.

3. The said debentures shall be signed by the Mayor and Treasurer of the Town of Owen Sound and sealed with the Corporate Seal and shall be made payable on the second day of January, 1923, and shall bear interest at the rate of four and three-quarters per cent. per annum, computed from the second day of January, 1913, payable half-yearly on the second day of July and the second day of January in each year during said term.

4. The said debentures and interest thereon shall be payable at the Union Bank of Canada, in the said Town of Owen Sound, and shall have attached to them coupons signed by the Mayor and Treasurer of the said Municipality for the payment of interest as aforesaid.

5. During the currency of the said debt and debentures there shall be raised, assessed and levied yearly by a special rate sufficient therefor on the whole rateable property of the said Town of Owen Sound the sum of \$190.00 for the payment of interest on the said debentures and the sum of \$333.16 for the purpose of creating a sinking fund for the payment of the debt hereby secured and debentures issued therefor, making in all the sum of \$523.16 to be raised annually by special rate as aforesaid during each year of the said term of ten years.

6. Debentures shall contain the provisions of section 434 (1) of The Consolidated Municipal Act, 1903, as to transference of debentures.

7. The votes of the electors of the said Municipality of the Town of Owen Sound entitled to vote thereon shall be taken on this By-law by the same Deputy Returning Officers and Polling Clerks and at the same polling places as may be duly appointed by By-law of the said Council for the next annual election of the members of the said Council, and shall be so taken on the same day and during the same hours as the said annual election, that is to say, on Monday, the sixth day of January, One Thousand Nine Hundred and Thirteen, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon.

8. On Friday, the third day of January, 1913, at the hour of ten o'clock in the forenoon, the Mayor of the Town of Owen Sound will attend at the office of the Town Clerk of the said Town for the purpose of appointing in writing persons to attend at each of the various polling places aforesaid and at the final summing up of the votes by the Town Clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of the by-law respectively.

9. That the Clerk of the Town of Owen Sound shall attend at his office in the said Town at ten o'clock in the forenoon on Tuesday, the seventh day of January, 1913, to sum up the number of votes for and against this by-law.

10. This By-law shall come into force and effect forthwith after the final passing thereof by the Council and the obtaining of such consent from the Ontario Railway and Municipal Board or the Legislature, as may be deemed necessary.

Council Chamber, Owen Sound,  
January 13th, 1913.

(Sgd.) E. LEMON, Mayor.

(Sgd.) CHAS. GORDON, Clerk.

## SCHEDULE "A."

ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the Town of Owen Sound in the County of Grey and Province of Ontario.

1. The parcel containing by admeasurement 5.25 acres be the same more or less, composed of part of Lot 22 Bay Shore Range in the said Town and which may be more particularly described as follows:—

COMMENCING at the southwesterly angle of said lot; thence northerly along westerly limit of said lot 290 feet; thence south 73 degrees east 861 feet; thence south 17 degrees west, 110 feet to the northerly limit of deviation road around Canadian Pacific Railway track; thence southwesterly along said limit 150 feet; thence south 17 degrees west, 80 feet more or less to the southerly limit of said lot; thence north 73 degrees, west 660 feet more or less to the place of beginning.

Together with water lot on the foreshore of part of said lot above described, containing by admeasurement 7.6 acres be the same more or less, which may be more particularly described as follows, that is to say:—

COMMENCING at a point in the southerly limit of said lot distant north 73 degrees west, 1,584 feet from the southwesterly angle of said lot; thence north 73 degrees west along said southerly limit 1,132 feet; thence north 17 degrees east 290 feet; thence south 73 degrees east 1,157 feet more or less to the high water line in Owen Sound harbour; thence southerly along said high water line 290 feet more or less to the place of beginning.

2. Part of Park Lot No. 21 Bay Shore Range in said Town containing by admeasurement 4.25 acres and being all said lot less part taken up by Canadian Pacific Railway allowance.

Together with water lot on the foreshore of said lot No. 21, containing by admeasurement 9.25 acres be the same more or less, which may be more particularly described as follows, that is to say:—

COMMENCING at the intersection of the high water line and the northerly limit of said lot produced; thence north 73 degrees west 1,132 feet; thence south 17 degrees west 300 feet; thence south 60 degrees east 1,291 feet more or less to the high water line in Owen Sound Harbour; thence northerly following said high water line 500 feet more or less to the place of beginning.

3. ALSO a strip of land 66 feet wide for a street along or near the Marine allowance as shown on plan by R. McDowall, C.E., and an undivided half interest in the dock on the water lot adjoining said Park Lot 22, and a right of way to same from above mentioned lands.

Excepting and reserving the right to lay across the said lands a railway siding from the main line of the Canadian Pacific Railway to that part of Park Lot No. 22 not included in above description, also a 66-foot right of way for railway purposes across said lands; subject also to the payment or remission of \$1,821.46, half the amount due to the Town of Owen Sound for laying water mains and charged in said and other lands.

## CHAPTER 111.

## An Act respecting the Town of Parry Sound

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS the Corporation of the Town of Parry Sound, has by its Petition represented that the Town of Parry Sound was incorporated under Act passed in the fiftieth year of the reign of Her late Majesty Queen Victoria, being chapter 61, intituled "An Act to Incorporate the Town of Parry Sound," and since the incorporation of the said Town the boundaries thereof have been altered and enlarged by annexation of adjacent territory and the population of said Town has increased, rendering advisable a re-division of said Town into wards; and whereas certain doubts have arisen as to the manner of holding of elections and the passing of money by-laws in said Town; and whereas the said Corporation has petitioned that said Act be amended defining its new boundaries, re-dividing it into wards and removing all doubt as to the manner of holding of elections and the passing of money by-laws, making the procedure in said matters uniform with towns created under the provisions of *The Consolidated Municipal Act* and amendments thereto; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

50 V. c. 61,  
ss. 2 and  
3 repealed.

1. Sections 2 and 3 of the said Act, being An Act to Incorporate the Town of Parry Sound are repealed and the following sections substituted therefor:—

Land com-  
prised in  
town.

2. The Town of Parry Sound shall comprise and consist of Lots twenty, in Concession "A." twenty-eight, twenty-nine, and thirty, in Concession one, of the Township of McDougall; and all



all those portions of Lots numbers twenty-six and twenty-seven, lying north and west of the River Seguin, and Lots twenty-eight, twenty-nine, thirty and thirty-one in the Second Concession of the said Township; Lot number twenty-six in the Third Concession of the said Township, and Lots numbers one hundred and forty-nine and one hundred and fifty in Concession "A" of the Township of Foley; also Bob's Island adjoining Lot number thirty in the First Concession of the Township of McDougall, and water lots on Parry Sound Harbour in front of said lots.

3. The said Town shall be divided into three wards to <sup>Division into</sup> be known respectively as the "west," "centre," <sup>wards.</sup> and "east" wards, which said several wards shall be respectively composed and bounded as follows: The west ward shall be composed of that portion of the said Town, lying west of the centre line of Gibson Street and of Oak Avenue after the intersection of said Gibson Street therewith, and of said Centre line produced in a straight line to the water's edge of Parry Sound Harbour; the centre ward shall be composed of that portion of said Town lying east of said described centre line and production thereof and west of the River Seguin; the east ward shall be composed of all that portion of the said Town lying east of the River Seguin and the waters of Parry Sound Harbour.

2. Section 5 of the said Act is hereby repealed.

50 V. c. 61,  
s. 5, re-  
pealed.

3. The Council elected in said Town for the year 1913 is declared to have been legally elected.

Election of  
councils  
confirmed.

4. Notwithstanding anything in said Act contained, the <sup>Procedure</sup> procedure at the election of the Municipal Council of said <sup>as to</sup> Town, subsequent to the year 1913, and at the voting on by-laws, shall be the same as may be prescribed and provided from time to time by *The Municipal Act* and any amendments thereto, with respect to towns erected under the provisions of the said *Municipal Act*.

## CHAPTER 112.

## An Act respecting the Town of Pembroke.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Pembroke, has by Petition represented that a certain By-law intituled "A By-law for the purpose of granting to the Canadian Northern Ontario Railway Company a bonus of twenty-five thousand dollars and free water exemption from taxation as set out in said By-law," being By-law No. 549 of the said Corporation, was submitted to the electors on the 22nd day of August, 1912, when 608 voted for and 23 voted against said By-law; and whereas the said Corporation has by Petition further represented that a certain By-law intituled "A By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus of five thousand dollars and exemption from taxes as therein set out." was submitted to the electors on the 7th day of October, 1912, when 563 voted for and 21 voted against the said By-law; and whereas it is in the interests of the said Corporation that the said By-laws should be confirmed; and whereas said Corporation has by Petition further represented that it is desirable to annex to the said Town of Pembroke, Lots Numbers 12, 14, 15, 17, 18, 19, and Gore "A," in the First Concession of the Township of Pembroke. and Lots Numbers 25, 26, 27, 28 and 29 in the Second Concession of the said Township; and whereas no opposition has been offered to the said Petition; and whereas the said Corporation has prayed that an Act be passed for the above purposes; and whereas it is deemed expedient to grant the prayer of the said Petition;

THEREFORE His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws  
Nos. 549  
and 551  
confirmed.

1. That By-law No. 549, of the Corporation of the Town of Pembroke, being a By-law intituled "A By-law for the purpose of granting to the Canadian Northern Ontario Railway Company a bonus," and set out as Schedule "A" here-

to,

to, also By-law No. 551 of the said Corporation, being a By-law intituled "A By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus," and set out as Schedule "B" hereto, and also By-law No. 550 of said corporation being "A By-law for the purpose of correcting and construing certain portions of a By-law for granting to J. T. Stuart of the City of Toronto, in the County of York, Manufacturer, a bonus" and set out as Schedule 'C' hereto, shall be legal, valid and binding on the said Corporation and the ratepayers thereof and on any other person, or persons affected thereby.

2.—(1) Lots Numbers 12, 14, 15, 17, 18, 19, and Gore "A," in the First Concession of the Township of Pembroke, and Lots Numbers 25, 26, 27, 28 and 29, in the Second Concession of the said Township of Pembroke, are hereby annexed to and shall be and form part of the Town of Pembroke. Annexing certain lands.

(2) The assessment of the lands annexed by subsection (1) shall be the same as that for the year 1912, for a period of twelve years from the first day of January, 1913, so long as the said lands remain in the same condition as the said lands were on the 1st day of January, 1913. Assessment.

(3) The lands so annexed shall be liable for their proportionate part of the debt of the Town of Pembroke, incurred from and after the 1st day of January, 1913. Lands annexed liable for proportionate part of debt.

(4) The Corporation of the said Town of Pembroke shall extend its waterworks system into the lands so to be annexed, as extensions may be required from time to time. Extension of waterworks system.

3. The said Corporation may pass by-laws from time to time to borrow money, without obtaining the assent of the electors as required by *The Municipal Act*, by the issue of debentures payable in thirty years from the date of issue for the purpose of paying the cost of any extensions of the waterworks provided for by subsection 4 of section 2. Power to borrow for extensions of waterworks.

## SCHEDULE "A."

## BY-LAW No. 549.

A By-law for the purpose of granting to the Canadian Northern Ontario Railway Company a bonus of—

(a) The sum of Twenty-five Thousand Dollars (\$25,000.00) in debentures of the Corporation of the Town of Pembroke for the purpose of assisting and aiding said Railway Company in purchasing a site for yard, round-houses, shops, etc., to be used in connection with a divisional point of the said Railway at or near the Town of Pembroke.

(b) Free water for the use of the said Railway, as set out in memorandum of agreement between the said Railway and the said Corporation, hereinafter set out.

(c) Exemption from taxes as set out in said agreement.

WHEREAS the above named Railway Company has in course of construction a line of railway from Montreal to Port Arthur which will pass through the Town of Pembroke or the unincorporated Village of Churchville in the Township of Pembroke.

AND WHEREAS the said Railway has applied to the said Corporation for a bonus as above set out, and has agreed, in consideration of said bonus being granted by the said Corporation, to establish and maintain a divisional point at or within one mile of the said Town of Pembroke, with round-houses, repair shops for making running repairs, yard tracks, sidings and switches and such other accommodation or works in connection therewith as shall be necessary to meet the requirements of the traffic from time to time of the said Railway Company.

AND WHEREAS said Railway Company and said Corporation have entered into an agreement, which agreement is as follows:—

MEMORANDUM OF AGREEMENT made this 4th day of July, 1912,

Between:

THE CANADIAN NORTHERN ONTARIO RAILWAY COMPANY (hereinafter called the Railway Company), OF THE FIRST PART, AND THE MUNICIPAL CORPORATION OF THE TOWN OF PEMBROKE, (hereinafter called the Corporation), OF THE SECOND PART

WHEREAS the above named Railway Company has in course of construction a line of railway from Montreal to Port Arthur which will pass through the Town of Pembroke or the unincorporated Village of Churchville in the Township of Pembroke;

AND WHEREAS the said Railway Company have agreed to establish and maintain permanently an ordinary Divisional Point within the said Town of Pembroke or within one mile thereof, upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Corporation hereby agrees to issue Twenty-five Thousand Dollars of Debentures bearing interest at four and one-half per cent. payable in twenty equal annual instalments, and to pay the proceeds of the sale of said debentures over to the Railway Company towards purchasing a site for said Divisional Point, and shall, except as to School taxes, exempt the taxable property of the Railway Company now in the Town of Pembroke or hereafter to be included in the said Town (when the boundaries thereof shall be extended as hereinafter provided), for the period of twenty years

from

from and after the coming into effect of any Order-in-Council or special Act, so extending said boundaries, and to furnish during such period of twenty years for the use of the Railway Company free water, sufficient for the purposes of the Railway Company in connection with said Divisional Point and the operation of its railway through, to or at the Town of Pembroke, but not including the right to the railway Company to use such water in or for the operation of water motors, upon and subject to the following terms and conditions:—

1 The Railway Company shall establish and maintain a Divisional Point at or within one mile of the said Town of Pembroke with round-houses, repair shops for making running repairs, yard tracks, sidings and switches, and such other accommodation or works in connection therewith as shall be necessary to meet the requirements of traffic as from time to time existing upon the said line of railway. The Railway Company agrees to employ in and about the said Divisional Point and in and about the operation of its trains to and through Pembroke such employees as are usually employed at Divisional Points and on the trains of similar railways, including machinists, car repairers, cleaners, wipers, inspectors, and such other men as may from time to time be reasonably necessary to meet the requirements of its increasing traffic.

2. That the said proceeds of the sale of said debentures shall be paid to the Railway Company upon the opening of the said line of railway for traffic and the establishment of the said Divisional Point as hereinbefore provided. In case of a dispute as to whether the said Divisional Point has been established the matter shall be referred to the Board of Railway Commissioners for Canada, whose decision shall be final.

3. That the Railway Company shall deposit with the Corporation the sum of One Hundred dollars (\$100.00) which said sum of One Hundred dollars is to defray the expenses of submitting the By-law hereinbefore mentioned to the ratepayers of the Town of Pembroke should such By-law carry and the Railway Company fail to carry out the terms of this agreement, but should the said By-law be carried and the Railway Company carry out the terms thereof, or should the said By-law be defeated, then the said sum of One Hundred dollars shall be returned to the Railway Company.

4. IT IS ALSO AGREED that the Railway Company may at its option take the said debentures instead of the proceeds of the sale thereof.

5. Should the Railway Company at any time remove the said Divisional Point from Pembroke or should so conduct its railway operations as (in the opinion of the Board of Railway Commissioners of Canada) to effect such withdrawal the Railway Company shall upon demand return to the Corporation the said debentures or such sum as may be paid to the Railway Company as the proceeds of the sale of the said debentures, and thereupon this Agreement shall terminate.

6. The Corporation agrees that should the Railway Company select the site for the said Divisional Point outside the existing limits of the Town of Pembroke but within one mile thereof, as hereinbefore specified, the Corporation will forthwith after notification of such selected site take all necessary steps to extend the said existing limits of the said Town so as to include within such limit the site so selected. The Railway Company will afford all reasonable assistance to the Corporation in taking any such necessary steps.

7. This Agreement is entered into upon the understanding and agreement that the Corporation will submit to the ratepayers of the said Town of Pembroke such By-law as may be required by law to be ratified by said ratepayers for the purpose of carrying out the agreement herein contained on the part of the said Corporation.

8. This Agreement shall enure to the benefit of and be binding upon the successors and assigns respectively of the parties hereto.

9. AND IT IS FURTHER AGREED that this Agreement is entered into between the parties hereto conditionally upon said By-law being carried by the requisite majority of said ratepayers.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

(Seal.)

(Sgd.) The Canadian Northern Ontario Railway Company.

(Sgd.) D. B. Hanna, Vice-President.

(Sgd.) R. T. Ormsby, Assistant Secretary.

(Sgd.) Wm. Leacy, Mayor (Seal of )

(Sgd.) A. J. Fortier, Clerk (Corp. Town, Pembroke).

SIGNED SEALED AND DELIVERED,

In the presence of

(Sgd.) Gerard Ruel.

as to execution by Pembroke

(Sgd.) Peter White.

AND WHEREAS the Council of the said Corporation deems it expedient to aid and assist the said Railway Company by granting the bonus above set forth upon the terms, conditions and obligations set out in said Agreement.

AND WHEREAS for the said purpose it is necessary for the Corporation of the Town of Pembroke to issue debentures for the said sum of Twenty-five Thousand Dollars as hereinafter set forth, and to provide for the payment of the same and the interest thereon.

AND WHEREAS it will be necessary to raise by special rate on all the rateable property in the municipality of the Town of Pembroke for the payment of the said debt created by this By-law, the sum of One Thousand Nine Hundred and Sixty-four Dollars and Fifty-four Cents to be raised yearly and in each year for a period of Twenty years, for paying the said sum of Twenty-five Thousand Dollars and interest on the debentures to be issued therefor, of which sum the sum of One Thousand One Hundred and Twenty-five Dollars will be for such interest and the sum of Eight Hundred and Thirty-nine Dollars and Fifty-four Cents for a sinking fund from which to pay the said debentures.

AND WHEREAS the whole rateable property of the said Town of Pembroke according to the last revised assessment roll (being for the year 1912) is Two Million Eight Hundred and Eleven Thousand One Hundred and Ten Dollars.

AND WHEREAS the amount of the existing debenture debt of the said Town of Pembroke is \$206,843.29, exclusive of local improvement debts secured by special rates and assessments, and of high and public school debentures of \$20,591.58, and also exclusive of a debenture debt of \$27,000.11 incurred in connection with the loan to the Lee Manufacturing Company, Limited, of which no part of the principal or interest is in arrears.

THEREFORE the Council of the Corporation of the Town of Pembroke enacts as follows—

1. THAT for the purposes aforesaid it shall be lawful for the Mayor of the said Corporation, and he is hereby authorized and empowered to cause any number of debentures of the said Corporation of the Town of Pembroke to be made, executed and issued to the amount of Twenty-Five Thousand Dollars, in sums of not less than One Hundred Dollars each, which said debentures and interest coupons attached thereto shall be signed by the said Mayor of the said

Corporation

Corporation for the time being, and the Treasurer for the time being of the said Corporation, and such debentures shall be sealed with the Corporate seal thereof.

2. THAT it shall be lawful for the said Mayor to sell said debentures to any person or persons or body or bodies corporate who may be willing to purchase the same and to cause the purchase price of the same to be paid into the hands of the Treasurer of the said Corporation of the said Town of Pembroke for the purposes herein set forth, and which said purchase price shall be paid to the said The Canadian Northern Ontario Railway Company as mentioned in said Agreement, or at the option of said Railway Company the said Mayor may deliver said debentures and the interest coupons to the said Railway Company instead of otherwise disposing of the same.

3. THAT the said sum of One Thousand Nine Hundred and Sixty-four Dollars and Fifty-four Cents shall be raised each year during the currency of the said debt created by this By-law, of which the sum of One Thousand One Hundred and Twenty-five Dollars shall be for interest and the sum of Eight Hundred and Thirty-nine Dollars and Fifty-four Cents for a sinking fund for the ultimate payment of the said debentures.

4. THAT the debentures both as to principal and interest shall be payable at the agency of the Bank of Ottawa in Pembroke and shall be dated on the First day of June, 1914, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of four and one-half per cent. per annum from the said date, and shall be payable on the First day of June in each year during the currency of each debenture.

5. THAT the said debentures shall be payable in Twenty years from the First day of June, 1914.

6. THAT the land and all other taxable property of the said The Canadian Northern Ontario Railway Company in the Town of Pembroke used in connection with the operation of the said Railway, and in the event of the boundaries of the said Town being extended in the portions of the Township of Pembroke to be annexed, shall be exempt from all Municipal Taxation, Local Improvements or otherwise, except School Taxes, for a period of Twenty years from the year in which said Divisional Point shall be established as aforesaid.

7. THAT there shall be furnished during said period of Twenty years for the use of the said Railway Company from the Waterworks System of the Town of Pembroke, which System shall, if necessary, be sufficiently extended for that purpose, free water sufficient for the purposes of the Railway Company in connection with the said Divisional Point and the operation of its railway through, to or at the Town of Pembroke, except that the said Railway Company shall not have the right to use such water for the operation of water motors.

8. THAT this by-law shall take effect and come into operation on the First day of June, 1914.

9. THAT the votes of such of the electors of the said Town of Pembroke who are by law entitled to vote thereon, shall be taken on this By-law on the 22nd day of August, 1912, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the said day, at the following places in the said Town—

Murray Ward—At or near the corner of Miller and Christie Streets.

Moffat Ward—Town Hall.

Supple-White Ward—At or near the corner of MacKay and Pembroke Streets.



AND James Sarsfield, A. J. Fortier and Findlay Watt shall be and are hereby appointed the receiving Deputy Returning Officers for taking the said vote at the said polling places respectively.

10. THAT on the 21st day of August, 1912, at the hour of eleven o'clock in the forenoon, at the Town Hall in the said Town of Pembroke shall be the time and place at which and when persons will be appointed by the Mayor to attend at the respective polling places and at the final summing up of the votes by the Clerk of the said Corporation on behalf of the persons interested in and promoting or opposing the passage of the By-law respectively.

11. THAT the Clerk of the said Corporation shall on the 23rd day of August, 1912, at the hour of eleven o'clock in the forenoon, at the Town Hall in the said Town of Pembroke, sum up the number of votes given for and against this By-law.

12. THAT this By-law will be finally considered in Council on Friday, the 6th day of Sept., 1912.

#### SCHEDULE "B."

##### BY-LAW No. 551.

A By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus of:—

- (a) The sum of five thousand dollars and
- (b) Exemption from taxation as hereinafter set out.

WHEREAS the said J. T. Stuart has made application to the Corporation of the Town of Pembroke for aid by the granting to him of the sum of five thousand dollars for the purchase of a site upon which to erect a Box Shook Factory for the purpose of carrying on the business of manufacturing box shoos, and for exemption from taxation for a period of twenty years.

AND WHEREAS it is deemed expedient to grant the same.

AND WHEREAS for such purposes it is necessary for the said Corporation of the Town of Pembroke to raise by way of loan the sum of five thousand dollars and to provide for the payment thereof by the issue and sale of debentures spread over a term of twenty years.

AND WHEREAS for repayment of the said sum it is proposed to issue debentures of the Corporation of the Town of Pembroke payable with interest at four and one-half per cent. per annum in twenty annual instalments so that the aggregate amount payable for principal and interest in any year of the said twenty years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

AND WHEREAS the total amount required to be raised annually by special rate during the said period of twenty years for paying the said debentures and interest is the sum of three hundred and eighty-four dollars and thirty-eight cents.

AND WHEREAS the whole rateable property of the said Town of Pembroke according to the last revised assessment roll, being for the year 1912, is \$2,811,110.00.

AND WHEREAS the amount of the existing debenture debt of the said Town of Pembroke is \$206,843.29 exclusive of local improvement debts secured by special rates and assessments, and of high and public school debentures of \$20,591.58, and also exclusive of a debenture

ture debt of \$27,000.11, incurred in connection with the loan to The Lee Manufacturing Company, Limited, of which no part of the principal or interest is in arrears.

THEREFORE the Council of the Corporation of the Town of Pembroke enacts as follows:—

1. THAT for the purpose aforesaid it shall be lawful for the Mayor of the said Corporation, and he is hereby authorized and empowered to cause any number of debentures of the said Corporation of the Town of Pembroke to be issued to the amount of five thousand dollars bearing interest at the rate of four and one-half per cent. per annum in sums of not less than one hundred dollars each, which said debentures and the interest coupons attached thereto shall be signed by the Mayor and Treasurer of the said Corporation for the time being, and such debentures shall be sealed with the seal of the said Corporation.

2. THAT it shall be lawful for the said Mayor to sell said debentures to any person or persons or any body or bodies corporate who may be willing to purchase the same and to cause the purchase price of the same to be paid into the hands of the Treasurer of the said Corporation of the said Town of Pembroke for the purposes herein set forth.

3. THAT the said sum of three hundred and eighty-four dollars and thirty-eight cents shall be raised, levied and collected each year during the currency of the said debentures or any of them of and from the whole rateable property in the said Town of Pembroke by a special rate sufficient for that purpose in addition to all other rates and the said sum of three hundred and eighty-four dollars and thirty-eight cents shall in each year be appropriated to the payment of the said debentures and interest as hereinafter set out which said sums shall be sufficient to discharge the several instalments of principal and interest as the same shall respectively become payable under the terms of this by-law.

No.	Year.	Interest.	Principal.	Total.
1	1913 .....	\$225.00	\$159.38	\$384.38
2	1914 .....	217.83	166.55	384.38
3	1915 .....	210.33	174.05	384.38
4	1916 .....	202.50	181.88	384.38
5	1917 .....	194.32	190.06	384.38
6	1918 .....	185.71	198.62	384.38
7	1919 .....	176.82	207.56	384.38
8	1920 .....	167.49	216.89	384.38
9	1921 .....	157.72	226.66	384.38
10	1922 .....	147.53	236.85	384.38
11	1923 .....	136.87	247.51	384.38
12	1924 .....	125.73	258.65	384.38
13	1925 .....	114.09	270.29	384.38
14	1926 .....	101.93	282.45	384.38
15	1927 .....	89.21	295.17	384.38
16	1928 .....	75.93	308.45	384.38
17	1929 .....	62.05	322.33	384.38
18	1930 .....	47.55	336.83	384.38
19	1931 .....	32.39	351.99	384.38
20	1932 .....	16.55	367.83	384.38

4. THAT the said debentures both as to principal and interest shall be payable at the agency of the Bank of Ottawa in Pembroke, and shall be dated on the first day of February, 1913, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of four and one-half per cent. per annum from the said date and shall be payable on the first day of February in each year during the currency of such debentures.

5. THAT the said debentures shall be payable within twenty years from the first day of February, 1913.

6. THAT upon the said J. T. Stuart or any company to be formed by him for the purpose, purchasing a site for a box shook factory and erecting thereon and within one-half mile of the present limits of the Town of Pembroke a factory of such dimensions that from 125 to 150 hands may be engaged therein in the manufacture of box shooks, such factory to be erected according to the plans and specifications submitted by the said J. T. Stuart to the Mayor and Council of the Town of Pembroke with such changes as may be made with the approval of the Mayor of the Town of Pembroke, the said sum of five thousand dollars shall be paid by the said Corporation of the Town of Pembroke to said J. T. Stuart.

7. THAT in the event of the boundaries of the Town of Pembroke being extended so as to include the lands upon which the factory of the said J. T. Stuart or such company may be erected, such lands and all other taxable property of the said J. T. Stuart or of such company used in connection with the said factory or the business carried on therein shall be exempt from all municipal taxation, local improvements or otherwise, except school taxes, for a period of twenty years from the date hereof.

8. PROVIDED that should the said J. T. Stuart or said company from any cause whatever close down or discontinue to manufacture box shooks in the said factory the said exemption from taxation shall cease forthwith upon such discontinuance.

9. THAT this by-law shall take effect and come into operation on the Eleventh day of October, 1912.

10. THAT the votes of such of the electors of the said Town of Pembroke who are by law entitled to vote thereon shall be taken on this by-law on the Seventh day of October, 1912 commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the said day, at the following places in the said Town—

Murray Ward—At or near the corner of Miller and Christie Streets.

Moffat Ward—Town Hall.

Supple-White Ward—At or near the corner of MacKay and Pembroke Streets.

AND Finlay Watt, A. J. Fortier and Wm. Duff shall be and are hereby appointed the respective deputy returning officers for taking the said votes at the said polling places respectively.

11. THAT on the fifth day of October, 1912, at the hour of eleven o'clock in the forenoon, at the Town Hall, in the said Town of Pembroke, shall be the time and place at which and when persons will be appointed by the Mayor to attend at the respective polling places and at the final summing up of the votes by the Clerk of the said Corporation on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

12. THAT the Clerk of the said Corporation shall on the eighth day of October 1912, at the hour of eleven o'clock in the forenoon at the Town Hall, in the said Town of Pembroke, sum up the number of votes given for and against this by-law.

13. THAT this by-law will be finally considered in Council on Friday, the Eleventh day of October, 1912.

## SCHEDULE "C."

## BY-LAW No. 550.

A By-law for the purpose of correcting and construing certain portions of a By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus.

WHEREAS a By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus, is to be submitted to the electors of the Corporation of the Town of Pembroke, and votes are to be taken thereon on the 7th. day of October, 1912, and in which said By-law the said Stuart's name is improperly spelled, being spelled as "Stewart" whereas it should be "Stuart."

AND WHEREAS by said By-law mentioned it is provided "That should the said J. T. Stuart or said Company from any cause whatever close down or discontinue to manufacture box shooks in the said factory, the said exemption from taxation shall cease forthwith upon such discontinuance."

AND WHEREAS doubts have arisen as to the proper construction of said paragraph.

AND WHEREAS the said Council has deemed it expedient to correct the spelling of the said name and to remove all doubts as to said paragraph.

The Municipal Council of the Corporation of the Town of Pembroke, therefore enacts as follows:—

1. That the name in the By-law to be submitted to the electors of the Town of Pembroke, on the 7th day of October, 1912, being a By-law for the purpose of granting to J. T. Stuart, of the City of Toronto, in the County of York, Manufacturer, a bonus, be changed from the spelling of "Stewart" to "Stuart."

2. That the provision in said By-law "That should the said J. T. Stuart or said Company from any cause whatever close down or discontinue to manufacture box shooks in the said factory, the said exemption from taxation shall cease forthwith upon such discontinuance"—that said closing down referred to therein shall mean closing down of the said factory for one year.

Passed this 20th. day of September, A. D. 1912.

(Sgd.) WILLIAM LEACY,  
Mayor.

(Sgd.) A. J. FORTIER,  
Clerk.

## CHAPTER 113.

An Act respecting the Debenture Debt of the  
County of Perth.*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Municipal Council of the Corporation of the County of Perth has by Petition represented that under a By-law of said Council passed on the 8th day of June in the year One thousand eight hundred and ninety-three, debentures to the amount of \$120,000 were issued by said county payable with interest at Four and one-half per centum per annum in twenty years from the 12th day of December, 1893, and that the whole of such debentures were issued and mature on the 12th day of December now next, and that the sinking fund now available is insufficient to provide for the redemption of the whole of the said debenture debt, and by its Petition the said Municipal Council apply for the passing of an Act to give the said Corporation power to borrow \$51,000 for the purpose of redeeming the said debentures; and whereas it is expedient to grant the prayer of the said Petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
borrow  
\$51,000 and  
to issue  
debentures  
therefor.

1. The Corporation of the County of Perth may borrow for the purpose of paying the said debentures which mature on the 12th day of December, 1913, a sum not exceeding \$51,000 and may issue debentures of the Corporation therefor together with interest at the rate of not more than Five per centum per annum and may pass its By-law providing for the issue of such debentures.

Application  
of moneys  
borrowed.

2. The proceeds of such loan shall be applied for the purpose of the redemption and payment of said debentures for \$120,000 and for no other purpose.

When  
debentures  
to be made  
payable.

3. The said debentures shall be made payable in ten equal annual payments of principal and interest combined and

shall

shall be signed by the Warden and countersigned by the Treasurer of the Corporation and sealed with the seal of the Corporation.

4. It shall not be necessary that any by-law that may be passed for the issue of said debentures shall be submitted for the approval of or receive the assent of the ratepayers of the County of Perth in accordance with the provisions of *The Consolidated Municipal Act, 1903.* Assent of ratepayers not required.

3 Edw. VII.  
c. 19.

5. The said Council shall levy in each year during the said period of ten years over and above and in addition to all other rates to be levied in each year a sum sufficient to pay the principal and interest of the debentures so to be issued and maturing each year. Special rates.

6. No irregularity in the form of the said debentures or of any of them or of any By-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action which may be brought against the said Corporation for the recovery of the said debentures or any of them, and the purchaser or holder of such debentures shall not be bound to inquire as to the necessity of passing such By-law or issuing such debentures or as to the application of the proceeds thereof. Irregularity in the form of said debentures not to invalidate.

7. This Act may be cited as *The County of Perth Debenture Act, 1913.* Short title.

## CHAPTER 114.

## An Act respecting the City of Peterborough.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Corporation of the City of Peterborough has by petition represented that under the following Statutes of the Province of Canada and of the Province of Ontario, namely: 24 Victoria, Chapter 61, as amended by 38 Victoria, Chapter 40; and 53 Victoria, Chapter 99; the then Town of Peterborough was authorized to pass By-laws for the issue or the reissue of debentures providing in some cases that no sinking fund should require to be raised, and in other cases only a one per cent. sinking fund and debentures were accordingly issued under said By-laws, some of which are still outstanding, and at the maturity of the said debentures there will not be a sufficient sinking fund to retire same, and it is necessary that authority should be given to issue debentures for the amount required to make up same; that by Section 27 of Chapter 104, of 8 Edward the Seventh it is provided that coupons attached to debentures issued by the Corporation are to be signed by the Mayor, but as such signature is not required by the provisions of *The Consolidated Municipal Act*, the said section should be amended to provide that it shall not be necessary for the Mayor to sign coupons and also to provide that the signature of the Treasurer to coupons may be by his lithographed, engraved or stamped signature; that the ratepayers of the said City having by By-law duly passed, authorized the acquiring from or through the Hydro-Electric Power Commission of Ontario of a supply of electric power it is intended to engage in municipal lighting, and it is therefore necessary to enable the Municipality to carry out same and instal a proper and efficient system suitable to the requirements of the citizens to repeal subsection (2) of section 2 of chapter 71 of 62 Victoria (Second Session) and to amend chapter 117 of 2 George the Fifth, to make it clear that the Corporation has authority to expropriate all the rights, works and property of The Peterborough Light and Power Company (Limited), or any part thereof, and to amend any other statutes of the Province relating to



to the said City that may require amendment for the purpose, to provide that the Corporation, without acquiring the plant of the said Company or any part thereof or of any Company may engage in the generation, distribution, supply and sale of electric energy for all purposes; that under By-law Number 1702 of the said Corporation duly passed by the ratepayers it is provided that debentures for the sum of \$10,000 for an Incinerator for the disposal of garbage might be issued, payable within 20 years from the date thereof and bearing interest at the rate of five per cent. per annum, and it is necessary that the issue thereof for the said time and rate should be authorized; that under By-law Number 1515 of the Corporation duly passed, after proper statutory notice, part of Hunter Street in the said City was closed and authorized to be conveyed to the Peterborough Hydraulic Power Company, Limited, in exchange for a parcel of land of equal area, to take the place of that part of said street so closed, so that it would still be 66 feet in width, but it has been ascertained that the description of the part of the street to be closed and conveyed as set out in said By-law is not quite accurate, and it is desirable that the said Corporation may be authorized to close and convey that part of said street intended; and whereas the amount of the rateable property of the Municipality is the sum of \$9,617,222, and the existing debenture debt (exclusive of local improvement debts payable by local special rates) is the sum of \$1,318,008.96; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Council of the City of Peterborough, without the consent of the ratepayers, from time to time, to pass by-laws authorizing the consolidation of any debts for which the debentures set out in Schedule "A" hereto were issued or authorizing the said Council to issue or reissue debentures for the purpose of retiring any such debentures, at the maturity thereof or to make up the amount required therefor, provided, however, that any such by-law shall provide for the raising of a sinking fund sufficient, with the estimated interest on the investment thereof, to pay any debentures issued or reissued under same, at the maturity of said debentures respectively and the said interest and sinking fund shall be raised and levied from and out of the property of the same class of ratepayers as provided in the original by-law or the statutes authorizing the issue of such first mentioned debentures.

Authority  
to consoli-  
date certain  
debenture  
debts.

Execution  
of debenture  
coupons.

**2.** Section 27 of Chapter 104 of the Acts passed in the eighth year of the reign of His late Majesty King Edward the Seventh, is amended by striking out the words "Mayor and," in the sixth line of said section and by inserting after the word "City," in said sixth line the words "by his written, lithographed, engraved or stamped signature."

62 Vic. c. 71.  
s. 2 (2),  
repealed.

**3.** Subsection 2 of section 2, of Chapter 71 of the Acts passed in the sixty-second year (Second Session) of the reign of Her late Majesty Queen Victoria is hereby repealed.

2 Geo. V.  
c. 117, s. 1,  
amended.

**4.**—(1) Section 1 of Chapter 117 of the Acts passed in the second year of the reign of His Majesty King George the Fifth is amended by inserting between the words "in" and "paying" in the twelfth line thereof the words "or used or operated in connection therewith or as part of the system plant or appliances used or operated within the City of Peterborough for supplying electrical power or energy to the customers of the Company" and by adding at the end of said section the words following, "and upon the acquisition of and payment for the lands, property, erections, machinery, works, plant and appliances of the said Company so used and operated within the City of Peterborough all rights, privileges and franchises of the said Company under said By-law Number 1497 and the agreement set out therein or to the use of the Streets of the said City or any of them shall cease, determine and be at an end."

2 Geo. V.  
c. 117, s. 1  
amended

(2) The said section is further amended by adding the following as subsection 2:

(2) If the company so requires, the Corporation shall be bound to carry out any contract entered into for the supply of electrical power or energy to the company or for the supply by the company of electrical power or energy to any person within the limits of the city, if and so far as such contract shall not be disapproved of by the Hydro-Electric Power Commission; and the Corporation shall also pay to the company for or in respect of any costs, charges and expenses incurred by the company in soliciting and in procuring any existing contracts for a supply of electrical power or energy to any person by the company such an amount as may be fixed and determined by The Hydro-Electric Power Commission.

2 Geo. V.  
c. 117, s. 2,  
amended.

(3) Section 2 of said Chapter 117 is amended by adding after the word "profits," in the third line thereof the words

"or

"or for loss of profits or because or by reason of the exercise or non-exercise by the corporation of the rights or any of the rights under this Act."

(4) The corporation shall within one year after the pass-<sup>Time limit</sup>ing of this Act exercise the powers conferred by this section <sup>for exercise</sup>and by the said Act, chaptered 117, otherwise this section <sup>of powers.</sup> and the said Act shall be deemed to have been repealed.

5. Section 2 of Chapter 82 of the Acts passed in the <sup>7 Edw. VII.</sup>seventh year of the reign of His late Majesty King Edward <sup>c. 82, s. 2,</sup>the Seventh is amended by striking out the first, second, third <sup>amended.</sup> and fourth lines thereof and the word "aforesaid," in the fifth line thereof and substituting in lieu thereof the words following: "Notwithstanding anything in any Act or in any By-law or Agreement heretofore passed or entered into" and by striking out the last two lines of said section and substituting in lieu thereof the words "under the provisions of *The Power Commission Act* and amendments thereto."

6. Section 4 of said Chapter 82 is amended by striking <sup>7 Edw. VII.</sup>out the second, third and fourth lines thereof and substituting <sup>c. 82, s. 4,</sup>in lieu thereof the words following "shall engage in the <sup>amended.</sup> manufacture, generation, transmission, delivery, use, supply, sale or distribution of electric."

7. By-law 1702 of the said Corporation, intituled "A <sup>By-law 1702</sup>By-law to authorize borrowing the sum of \$10,000 to provide <sup>set out in</sup>an Incinerator for the disposal of garbage." <sup>Schedule</sup>set out as <sup>"B," con-</sup>Schedule "B" hereto, is hereby confirmed and declared <sup>firmed.</sup> legal, valid and binding, and the debentures issued thereunder may be made payable at any time within 20 years from the issue thereof and bear interest at a rate not exceeding five per centum per annum.

8. The Corporation of the said City shall have full power and authority to convey to the Peterborough Hydraulic Power Company, Limited, the lands following, namely, that part of Hunter Street in the said City of Peterborough more particularly described as follows, that is to say: Commencing at a point where an iron post has been planted on the Northerly limit of Hunter Street, said point being the intersection of the said Northerly limit of Hunter Street with the South-westerly production of the Westerly face of the Westerly wall of Warehouse Number Two, Quaker Oats Plant, and distant one hundred and thirty-two feet eight inches, measured Easterly along the said Northerly limit of Hunter Street, from the South-west angle of Lot Number Seven, lying North of Hunter Street and East of Water

Power to  
convey  
certain  
land to  
Peter-  
borough  
Hydraulic  
Power  
Company.

Street, in the said City of Peterborough, thence Easterly along the said Northerly limit of Hunter Street, one hundred and forty feet more or less to the water's edge of the River Otonabee, thence Southerly with the stream along the said water's edge of the River Otonabee twenty-eight feet more or less to a point at which a line drawn from the said iron post and parallel with the Southerly face of the Southerly wall and Easterly production thereof of said warehouse number two, Quaker Oats Plant, would intersect the same, thence Westerly along said last mentioned line one hundred and forty-two feet more or less to the said iron post and place of beginning, containing by admeasurement nineteen hundred and sixty square feet, be the same more or less; And upon delivery of a conveyance of said lands executed by said Corporation the title to said lands shall become and be absolutely vested in the said Peterborough Hydraulic Power Company, Limited, but the said Corporation shall nevertheless be under no legal obligation to make such conveyance.

# SCHEDULE "A."

SCHEDULE SHOWING DEBENTURES REFERRED TO IN SECTION I. HEREOF.

No. of Debenture.	No. of By-Law.	Act Authorizing.	Date of Issue.	Date of Maturity	Amount.	Term of new Debenture.
358	617	53 Vict. C. 99	16 Jan. 1892	31 Dec. 1921	\$11,000	30 years.
359	617	53 Vict. C. 99	16 Jan. 1892	31 Dec. 1921	4,000	30 years.
360	649	53 Vict. C. 99	16 Jan. 1892	31 Dec. 1921	14,000	30 years.
361	648	53 Vict. C. 99	16 Jan. 1892	31 Dec. 1921	10,000	30 years.
363		24 Vict. C. 61 & 38 Vict. c. 40	15 July 1892	31 Dec. 1921	1,300	30 years.
364		24 Vict. C. 61 & 38 Vict. c. 40	15 July 1892	31 Dec. 1921	3,400	30 years.
365	696	24 Vict. C. 61 & 38 Vict. c. 40	11 Dec. 1893	1 Jan. 1913	2,000	20 years.
367	696	24 Vict. C. 61 & 38 Vict. c. 40	11 Nov. 1893	1 Jan. 1913	10,000	20 years.
368	688	53 Vict. C. 99	30 Dec. 1893	30 June 1923	3,800	30 years.
373	712	24 Vict. C. 61 & 38 Vict. c. 40	30 June 1894	1 July 1914	5,000	20 years.
412 to 420	813	24 Vict. C. 61 & 38 Vict. c. 40	2 May 1898	30 June 1918	29,000	20 years.
					<hr/>	
					\$93,500	

## SCHEDULE "B."

## BY-LAW NUMBER 1702.

**A BY-LAW TO AUTHORIZE BORROWING THE SUM OF \$10,000 TO PROVIDE AN INCINERATOR FOR THE DISPOSAL OF GARBAGE.**

Passed the 13th day of January, 1913.

WHEREAS it is advisable in the opinion of the Council of the City of Peterborough to purchase and instal an incinerating plant for the disposal of garbage and refuse and for that purpose and the purchase of the land necessary therefor it is estimated that the sum of \$10,000 will be required.

AND WHEREAS in order to raise the said sum of \$10,000 which is the amount of the debt intended to be created by this By-law, it will be necessary to issue debentures of the Corporation of the City of Peterborough for the said amount.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is the sum of \$9,617,222.

AND WHEREAS the amount of the existing debenture debt of the Municipality, exclusive of local improvement debts, but including the debt incurred for the purchase and improvement of the Waterworks, is the sum of \$1,318,008.96, and there is no part of the principal or interest in arrear.

AND WHEREAS it will require the sum of \$500.00 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this By-law to pay the interest of the said debt, and the sum of \$335.82 to be raised annually during the said period for the payment of the said debt, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$835.82 to be raised annually as aforesaid by a special rate on the whole rateable property of the Municipality.

The Corporation of the City of Peterborough by the Council thereof therefore enacts as follows:—

1. This By-law shall take effect on the date of the final passing thereof.

2. It shall be lawful for the Council of the City of Peterborough to borrow the sum of \$10,000, and to issue the debentures of the said Corporation for the said sum such debentures to be sealed with the Corporate Seal of the said City of Peterborough and to be signed by the Mayor and Treasurer and counter-signed by the Secretary of the Peterborough City Trust, and to be made payable within twenty years after the issue thereof and to bear interest at the rate of five per centum per annum, payable half-yearly on the thirtieth day of June and the thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest, such debentures as to principal and interest to be payable at the office of the Secretary of the Peterborough City Trust in the City of Peterborough or elsewhere as may be directed by resolution of the Council.

3. There shall be raised and levied during each year of the currency of the said debentures, by a special rate upon all the rateable property of the Municipality, the sum of \$500.00 for payment of the interest, and the sum of \$335.82 as a sinking fund for the payment

of the said debt at the maturity thereof, making together the sum of \$835.82 to be raised annually as aforesaid.

4. The proceeds of the said debentures when sold shall be applied for the purposes aforesaid.

5. The votes of the electors of the City of Peterborough qualified to vote upon a By-law for creating debts will be taken upon this By-law on the 6th day of January, 1913, being the same day as the annual election for the Municipal Council for the year 1913, is held and the polls will be held during the same hours at the same places and by the same Deputy Returning Officers and Poll Clerks as are and the office of the City Clerk, are hereby fixed as the time and place appointed and fixed for the said Municipal Election.

6. The 7th day of January, 1913, at the hour of 12 o'clock noon, at the City Clerk's Office, are hereby fixed as the time when and place where the Clerk will sum up the number of votes given for and against the By-law.

7. The 4th day of January, 1913, at the hour of 12 o'clock noon, for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of the By-law respectively.

W. H. BRADBURN,

Mayor.

T. R. ARMSTRONG,

Clerk.



## CHAPTER 115.

## An Act respecting the City of Port Arthur.

*Assented to 6th May, 1913.***Preamble.**

**W**HEREAS the Municipal Corporation of the City of Port Arthur, hereinafter called "the Corporation," has, by petition represented that the By-laws specified in Schedule "A" hereto have been duly passed and, where necessary, have been submitted to and received the assent of the ratepayers, and it is desirable that the said By-laws and the Debentures issued, or to be issued, thereunder should be confirmed; and whereas By-law 981 set out in Schedule "B" hereto to authorize an agreement with Raymond Brutinel, and the said agreement, were submitted to the ratepayers and received their assent, 605 ratepayers voting for and 72 against the same; and whereas it is provided by section 10 of the Act passed in the seventh year of His late Majesty's reign, chaptered 83, that whenever on or before the 15th day of December in any year it should be ascertained by any general census or by any census taken by the assessor that the said City contained over 15,000 inhabitants that the council thereafter should consist of a mayor and ten aldermen elected by general vote; and whereas a census was taken by the Assessment Commissioner of the said City in the year 1912, and that on the 18th day of November, 1912, he reported to the council of the said City that the population of the City was 15,654; and whereas through inadvertence only eight candidates for the office of alderman were declared elected at the election held in January, 1913, instead of ten aldermen as provided by the said Act; and whereas the City Clerk has since reported that William T. McEachern and Rufus A. Burriss are the candidates for the said office of alderman who had the highest number of votes at the said election next after the said eight aldermen already elected, and it is desirable that the two mentioned persons should be declared to have been lawfully elected as aldermen for the year 1913; and whereas By-law 855 and the agreement made between the said Corporation and James W. Lyon have been submitted to the ratepayers and received their assent 241 ratepayers voting for and 64

against

against the same; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made, and rates levied or to be levied, for the payment of the said debentures, are confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

By-laws specified in Sched. "A" confirmed.

2. By-law 981 of the Corporation and the Agreement between the Corporation and Raymond Brutinel set out as Schedule "B" hereto are confirmed and declared to be legal, valid and binding on the said Raymond Brutinel, and the Corporation and the Ratepayers thereof, and the Corporation is authorized to issue the debentures and do all other acts, matters and things necessary to carry out the terms of the said By-law and Agreement.

By-law No. 981 and agreement with Raymond Brutinel confirmed.

3. Section 2 of *The City of Port Arthur Act, 1912*, is amended by inserting at the beginning the words "Subject to the provisions of subsection 2," and by adding to that section the following as subsection 2:—

2 Geo. V. c. 118, s. 2, amended.

"(2) Bonds to an amount not exceeding \$30,000, bearing any date and payable on the first day of March, 1922 with interest at the rate of five per cent. per annum, payable on the first days of March and September in each year, made and issued by the Company to be hereafter formed, as provided in said agreement, may be guaranteed by the said Corporation under the authority of the said By-law and when so guaranteed by the said Corporation shall be valid and binding upon the said Company and upon the said Corporation and the ratepayers thereof and the validity thereof shall not be open to question in any court. Such guarantee shall be sealed with the seal of the Corporation and signed by the Mayor and Clerk thereof."

4. The said William T. McEachern and Rufus A. Burriss are hereby declared to have been duly elected as aldermen of the said City for the year 1913, but no act, matter or thing done or proceeding taken by the council declared elected in January, 1913, shall be open to question or be

Certain persons declared elected as aldermen.

set aside or be held or adjudged to be illegal or invalid on the ground that only eight aldermen were declared elected instead of ten

By-law 855  
confirmed.

5. By-law No. 855 intituled "By-law to confirm agreement made with James W. Lyon and to authorize the issue of debentures for \$23,700 to cover the cost of the works and improvements mentioned therein," and the said agreement set out as Schedule "C" hereto is ratified and confirmed and declared to be legal, valid and binding.

Short title.

6. This Act may be cited as *The City of Port Arthur Act, 1913.*

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#### SCHEDULE "A."

By-law No. 706.—By-law to consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$1,510.56, and to borrow the same by the issue of debentures therefor. (Passed Dec. 6th, 1911.)

By-law No. 707.—By-law to consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$589.72, and to borrow the same by the issue of debentures therefor. (Passed Dec. 6th, 1911.)

By-law No. 753.—By-law to consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$216,064.83, and to borrow the same by the issue of Debentures therefor. (Passed March 4th, 1912.)

By-law No. 754.—By-law to construct a siding at the Fair Grounds in connection with the Electric Street Railway, and to issue debentures for \$5,600 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 755.—By-law to complete the Service Dam on Current River, and to issue debentures for \$13,000 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 756.—By-law to authorize the double tracking of the Electric Street Railway on Arthur Street from Court Street to Algoma Street, and to pave the same, and to issue debentures for \$11,000 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 759.—By-law to construct storm sewers on certain streets, and to issue debentures for \$23,700 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 760.—By-law to extend the Electric Street Railway from Hill Street westerly along the Dawson Road to Algonquin Avenue, and to issue debentures for \$6,500 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 761.—By-law to grant \$6,000 in aid of The Sailors' Institute, and to issue debentures therefor. (Passed March 4th, 1912.)

By-law No. 762.—By-law to authorize the construction of Look-out in Waverly Park, and to issue debentures for \$2,500 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 764.—By-law to provide for installation of Electric Pump at Current River Power House, and to issue debentures for \$6,000 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 765.—By-law to provide additional fire appliances, and to issue debentures for \$5,500 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 766.—By-law to double track the Street Railway and construct pavement in connection therewith on Bay and Algoma Streets, and to issue debentures for \$58,500 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 767.—By-law to authorize the construction of approaches to the Bridge over Current River on the Black Bay Road in the City of Port Arthur, and to issue debentures for \$8,000 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 786.—By-law to purchase a site for and erect and establish a Public Market, and to issue debentures for \$19,000 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 787.—By-law to instal "Booster Pump" and accessories, and to issue debentures for \$7,500 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 788.—By-law to build and equip a Fire Hall on Hill Street, and to issue debentures for \$30,000 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 789.—By-law to authorize the issue of debentures for \$26,000 to cover extra expenditure on certain works. (Passed May 27th, 1912.)

By-law No. 790.—By-law to lay heavy steel rails on the Electric Street Railway on Cumberland Street between McVicar and Van Horne Streets, and to pave the track allowance, and to issue debentures for \$21,000 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 791.—By-law to lay heavy rails on the Electric Street Railway on the Fort William Road, and to authorize the issue of debentures for \$11,500 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 792.—By-law to provide for iron poles for the Electric Street Railway within certain limits and to make other improvements to said Railway, and to authorize the issue of debentures for \$1,400 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 793.—By-law to extend and improve the Telephone System and to issue debentures for \$35,000 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 794.—By-law to extend and improve the Electric Lighting System and to issue debentures for \$15,000 to cover the cost thereof. (Passed May 27th, 1912.)

By-law No. 820.—By-law to authorize the purchase of two street cars for the Electric Street Railway, and to issue debentures therefor. (Passed July 15th, 1912.)

By-law No. 849.—By-law to authorize the purchase of a site for a new City Hall, and to issue debentures for \$200,000 to cover the cost thereof. (Passed September 30th, 1912.)

By-law No. 850.—By-law to authorize the extension of Cumberland Street from its present eastern terminus to Hodder Avenue, and to issue debentures for \$2,600 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 851.—By-law to construct Belt Line Street Railway, and to issue debentures for \$82,200 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 852.—By-law to extend and improve the waterworks system and to issue debentures for \$520,000 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 853.—By-law to open a road from Hodder Avenue to Hedge Siding alongside the proposed street car extension, and to issue debentures for \$12,500 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 854.—By-law to authorize the purchase of a Police Patrol, Hose Motor Truck, Utilities Truck and Engineer's Car, and to issue debentures for \$15,650 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 857.—By-law to extend the Street Railway easterly to Hedge Siding, and to issue debentures for \$34,000 to cover the cost thereof. (Passed Sept. 30th, 1912.)

By-law No. 856.—By-law to authorize a grant of \$4,750 to The West Algoma Agricultural Society, and to issue debentures for the said amount. (Passed Sept. 30th, 1912.)

By-law No. 858.—By-law to authorize the extension of Street Railway on Queen Street from Algoma Street to High Street, and to issue debentures for \$4,300 to pay for same. (Passed Sept. 30th, 1912.)

By-law No. 918.—By-law to consolidate the sums to be borrowed by certain Local Improvement By-laws into one sum of \$99,626.06, and to borrow the same by the issue of debentures therefor. (Passed Oct. 2nd, 1912.)

By-law No. 919.—By-law to consolidate the sums to be borrowed by certain Local Improvement By-laws into one sum of \$4,449.55, and to borrow the same by the issue of debentures therefor. (Passed Oct. 2nd, 1912.)

By-law No. 928.—By-law to authorize the purchase of two Trailer Street Cars for the Electric Street Railway, and to issue debentures therefor. (Passed Nov. 11th, 1912.)

By-law No. 923.—By-law to authorize the purchase of a Street Railway Car for the Electric Street Railway, and to issue debentures therefor. (Passed Oct. 21st, 1912.)

By-law No. 757.—By-law to authorize purchase of water frontage to carry out agreement with Port Arthur Wagon Works. (Passed March 4th, 1912.)

By-law No. 758.—By-law to authorize additions and improvements to the Isolation Hospital, and to issue debentures for \$2,300 to cover the cost thereof. (Passed March 4th, 1912.)

By-law No. 763.—By-law to construct a sewer on Pearl Street between Court Street and Cumberland Street, and to issue debentures for \$1,800 to cover the cost thereof.

By-law No. 963.—By-law to authorize the issue of debentures to the amount of \$314,830 for the extension of the Water Works System.

By-law No. 964.—By-law to lay heavy steel rails on Cumberland Street from Van Horne Street to Current River, and to authorize the issue of debentures for \$32,400 to cover the cost thereof.

By-law No. 965.—By-law to issue debentures for \$10,000 to cover the additional cost of the market.

By-law No. 966.—By-law to extend the Electric Street Railway along Algoma Street from Arthur Street to Cameron Street, and to issue debentures for \$6,550 to cover the cost thereof.

By-law No. 967.—By-law to extend the Street Lighting System, and to issue debentures for \$8,000 to cover the cost thereof.

By-law No. 968.—By-law to raise the sum of \$12,000 to provide for the purchase of a Motor Generator at the Hydro-Electric Station, and to issue debentures therefor.

By-law No. 969.—By-law to provide for the extension of the sewer system, and to issue debentures for \$255,080 to cover the cost thereof.

By-law No. 970.—By-law to extend and improve the Telephone System, and to issue debentures for \$35,000 to cover the cost thereof.

By-law No. 971.—By-law to construct storm sewers on certain streets, and to issue debentures for \$7,260 to cover the cost thereof.

By-law No. 972.—By-law to extend and improve the Electric Light System and to issue debentures for \$30,000 to cover the cost thereof.

By-law No. 973.—By-law to authorize the issue of debentures for \$6,500 to complete the Service Dam at Current River.

By-law No. 936.—By-law to consolidate the sums authorized to be borrowed by certain Local Improvement By-laws into one sum of \$88,533.28, and to borrow the same by the issue of debentures therefor.

By-law No. 937.—By-law to increase the rate of interest on certain debentures.

## SCHEDULE "B."

## THE CITY OF PORT ARTHUR.

By-law No. 981.—By-law to authorize agreement with Raymond Brutinel, and to issue debentures for \$60,000 for the purposes of establishing a plant in Port Arthur for the purposes of manufacturing wire and wire products.

WHEREAS the Council of the said City deem it desirable in the best interests of the City that the agreement hereinafter set forth as Schedule "A" hereto should be made and entered into with Raymond Brutinel or the Company to be incorporated thereunder.

AND WHEREAS in order to enable the City to carry out its part of the said agreement the City will require to raise the sum of \$60,000 by way of debentures.

AND WHEREAS in order to raise the said sum it is necessary and advisable to issue debentures of the City of Port Arthur for the sum of \$60,000 which is the amount of the debt intended to be created by this By-law, the proceeds of the said debentures to be applied to the above purposes.

AND WHEREAS it will require the sum of \$5,014.91 to be raised annually by a special rate on the whole rateable property of the City of Port Arthur for the paying of the said sum of \$60,000 and interest on the debentures to be issued therefor, whereof \$3,000 is to be raised for the payment of interest during the currency of the said debentures and \$2,014.91 is to be raised annually on account of the payment of the sinking fund for the payment of the debt created by the said debentures.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last revised Assessment Roll thereof is \$26,285,452.00 of which \$4,260,285.00 is wholly exempt from taxation and \$3,836,043.05 is exempt except for school taxes.

AND WHEREAS the amount of the existing debenture debt of the City of Port Arthur is \$3,836,043.05 exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear.

AND WHEREAS it is advisable to issue the said debentures in sterling money both as to principal and interest, to be payable at the Bank of Montreal, London, England, or at the Bank of Montreal at the City of Toronto, Canada, at the holder's option.

THEREFORE the Municipal Council of the Corporation of the City of Port Arthur enacts as follows:—

(1) That the said Corporation be and it is hereby authorized to enter into an agreement with Raymond Brutinel or the Company referred to in the agreement hereinafter mentioned to the effect set forth in Schedule "A" hereto and the Mayor and Clerk respectively of the said Corporation for the time being are hereby authorized to sign, seal with the Corporate seal of the City, execute and deliver the same on behalf of this Corporation.



(2) It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the sum of sixty thousand dollars on the credit of the said Corporation for the purposes aforesaid and to issue debentures of the said Corporation to the extent of sixty thousand dollars either in Canadian Currency or sterling money in sums of not less than one hundred dollars Canadian currency or twenty pounds sterling, each payable within twenty years from the date of issue of such debentures and to bear interest at five (5) per cent. per annum payable half-yearly.

(3) The said debentures shall bear interest as of the day of issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the Corporate seal and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the said Treasurer. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the City of Port Arthur the said sum of \$3,000 for the payment of interest on the said debentures and the said sum of \$2,014.91 for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the sum of \$5,014.91 to be raised annually by special rate as aforesaid during each of the said 20 years.

(4) The said debentures as to principal and interest shall be payable at the Bank of Montreal in the City of London, England, or at the Bank of Montreal, at the City of Toronto, Canada, at the option of the holder of the debentures.

(5) This By-law shall come into force on the day of the final passing thereof.

(6) The votes of the electors of the said Municipality entitled to vote on this By-law shall be taken on Monday, the sixth day of January, 1913, and the polls shall be held at the same hour on the same day at the same places and by the same deputy returning officers and poll clerks as the Municipal Elections for 1913 will be held.

On the 31st day of December, 1912, at his office in the Municipal Building on Arthur Street in the City of Port Arthur, at ten o'clock in the forenoon, City Time, the Mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

The seventh day of January, 1913, at the Council Chambers aforesaid in the Municipal Buildings on Arthur Street in the City of Port Arthur at twelve o'clock at noon, City Time, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against this By-law respectively.

(Sgd.) J. A. OLIVER,  
*Mayor.*

(Sgd.) T. F. MILNE,  
*Clerk.*

Council Chambers, Port Arthur,  
20th day of January, 1913.

AGREEMENT

AGREEMENT made in duplicate this 14th day of December, 1912.  
BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,  
hereinafter called the City,

Of the First Part,

and

RAYMOND BRUTINEL of the City of Montreal,  
hereinafter called the Contractor,  
Of the Second Part.

WITNESSETH that the parties hereto in consideration of the mutual covenants and agreements hereinafter contained agree the one with the other as follows:—

1. The said Contractor shall forthwith organize a Company with a Dominion Charter for the purpose of manufacturing, among other things, wire and wire products and to otherwise facilitate the carrying out of this agreement and the word "Company" hereinafter appearing in this agreement shall refer to the Company so to be organized.

2. The Contractor or the Company shall on or before the first day of April, 1913, commence the erection on some site in the City of Port Arthur, of a plant, works and equipment, for the purpose of manufacturing, among other things, wire and wire products, and shall thereafter with all reasonable dispatch, continue the construction of same and shall have the same ready for operation as a going concern on or before the first day of July, 1914, and shall have expended on or before that date not less than two hundred thousand dollars (\$200,000) in fixed assets in the City of Port Arthur, PROVIDED however that if the contractor is delayed by fire, accidents, strikes, acts of God, or enemies of the King, the time so lost shall be added to the time so limited for completion.

3. The Contractor or Company shall after commencing operations employ at least one hundred and fifty (150) men during an average period of two hundred and eighty (280) working days per year, such men to be employed in and about the actual operation of said plant in Port Arthur.

4. The Company shall employ local labor and mechanics providing there are competent men to be obtained before going to points outside of the City of Port Arthur for same, and shall pay the governing wage of the District to each class of workmen employed.

5. The Company shall locate and maintain an office in Port Arthur and all wages of employees in Port Arthur shall be paid in Port Arthur in cash or by check on some Bank in Port Arthur.

6. All insurance carried by the Company upon its buildings and machinery in the City of Port Arthur shall be placed through local insurance agents, providing the rates charged by them are not in excess of the rates which can be obtained through any outside agents.

7. In consideration of the above the City agrees that as soon as the Contractor or the Company shall have expended two hundred thousand dollars in and towards the erection of the said plant, works and equipment, and as soon as not less than 150 employees shall be engaged in the operation of such plant the City shall issue and deliver to the Contractor or the Company its debentures to the amount of sixty thousand dollars, said debentures to bear date as of the date of issue thereof and to be payable within twenty years from the date of issuing of such debentures, and to bear interest at five per cent. per annum payable half-yearly and to be either in currency or sterling money.

8. In the event of the Contractor or the Company acquiring its site for the said plant from parties who have obtained the same by way of grant, bonus or otherwise from the City of Port Arthur, the City shall upon request by the Contractor concur in the sale of the said site to the Company and will, if required, join in the conveyance of the said land so as to ratify and approve of the same.

9. In the event of the site acquired by the Contractor or Company adjoining the north-eastern boundary of the property owned by the City and described as lot four (4), Herrick's Survey, Township of McGregor, now in the City of Port Arthur, the City will, upon request by the Contractor, or Company, deliver, free of cost, conveyance to a strip of the said lot four (4) not exceeding fifty (50) feet in width and nine hundred and eighty-seven (987) feet long, described as follows:—BEGINNING at a point at the intersection of the west line of Mining Location "4," and the shore line of Thunder Bay, said point being 95 feet south of an iron bar on the west line of Mining Location "4"; thence northerly along said Western boundary of Mining Location "4" and eastern boundary of the property of the Western Drydock and Shipbuilding Company, 1,033 feet more or less to the north-east corner of the property of said Western Drydock and Shipbuilding Company; thence at an angle of 90 degrees easterly 50 feet; thence at an angle of 90 degrees southerly, parallel to and distant 50 feet easterly from the western boundary of Mining Location "4," 1,033 feet more or less to the Shore line of Thunder Bay; thence westerly along shore line of Thunder Bay, 50 feet more or less, to the point of beginning, containing 1.18 acres more or less, for the purpose of enlarging the said site acquired by the Company.

10. IN FURTHER CONSIDERATION of the above the City agrees that the property of the Company, including plant, machinery, buildings, equipment and raw material and finished products, shall be taxed for all purposes including business tax (except school, local improvement, library, hospital and park taxes) upon a fixed assessment of fifty thousand dollars (\$50,000) per annum for the ten (10) years commencing January first, 1914; the said lands and property, plant and equipment shall be assessed for school, local improvement, library, hospital and park purposes as though this agreement had not been made.

11. The Contractor or the Company shall operate the said plant and works and equipment, during the term of the fixed assessment hereinbefore mentioned, so as to have employed during the said term not less than 150 employees for at least an average of two hundred and eighty (280) days per annum each.

12. The City shall have the right at all times during the life of this agreement through its auditors to examine the books and vouchers of the Company so as to ascertain the amount of money expended for plant, machinery, buildings, and equipment and the amount paid out for wages, and may require the officials of the Company to furnish sworn statements as to the number of men employed, and the time during which they have been employed in any year.

13. If the Contractor or Company fails to carry out and perform any of the terms or conditions herein contained and on their part to be carried out and performed, for any reason other than fire, storms, strikes, acts of God or other unavoidable accidents, the said exemption from taxation shall cease during such default and thereupon the property of the Contractor or Company shall be liable to be assessed and taxed to the same extent as it would have been liable had this agreement not been entered into.

14. If at any time the City should need for the operation of its own dock and for the purpose of connecting the Railways from the Westerly side with the said dock by means of a spur or spurs, then the Contractor shall give to the City the right of access over and across the said site for the purpose of establishing such connection and building the said spur or spurs, the right of way so granted shall not exceed 30 feet in width and the location of the said right of way to be decided upon by the City Engineer and the Manager of the Company in such a manner that it will not interfere with the lay-out of the Company.

15. This agreement is subject to approval by the ratepayers of the City entitled to vote thereon.

16. The City agrees to submit this agreement, if approved of by the ratepayers, to the Legislature for validation.

17. This agreement shall extend to and bind the heirs, executors, administrators, successors, and assigns of the parties hereto and the said Company.

IN WITNESS WHEREOF the said City has caused these presents to be signed by its Mayor and Clerk, and its Corporate seal to be hereto affixed, and the party of the second part has hereunto set his hand and seal.

Signed, sealed and delivered  
in the presence of:

(Sgd.) R. V. WRIGLEY.

(Sgd.) RAYMOND BRUTINEL,

(Sgd.) S. W. RAY,  
*Mayor.*

(Sgd.) T. F. MILNE.  
*City Clerk.*

SCHEDULE

## SCHEDULE "C."

## CITY OF PORT ARTHUR.

## BY-LAW No. 855.

By-law to confirm agreement with James W. Lyon and to authorize the issue of debentures for \$23,700.00 to cover the cost of the works and improvements mentioned therein.

WHEREAS James W. Lyon, of the City of Guelph, has consented to donate to the City certain lands in Location 1-E, Current River, on the terms and conditions more fully set out in the said agreement, a copy of which said agreement is hereunto attached as Schedule "A."

AND WHEREAS an estimate of the cost of the work to be performed by the City under the terms of the said agreement has been prepared by the City Engineer, and is now attached hereunto as Schedule "B."

AND WHEREAS in order to raise the said money it will be necessary to issue debentures of the City of Port Arthur for the sum of \$23,700.00 as hereinafter provided (which is the amount intended to be created by this By-law) the proceeds of the said debentures to be applied to the said purpose and no other.

AND WHEREAS the proposed expenditure under the said agreement will extend over a series of years, and it is undesirable to have large proportions of the said moneys in hand unused and uninvested and it will, in the opinion of this Council, be to the advantage of the City to issue the said debentures in instalments as follows:—

Fifteen thousand dollars on December 31st, 1913.

Four thousand seven hundred dollars on December 31st, 1914, and the balance of four thousand dollars on December 31st, 1915.

and to make each of the said instalments of the said debt repayable in 20 years from the date of the debentures by which the same is respectively secured.

AND WHEREAS the total amount required by The Municipal Act to be raised annually during 20 years by special rate for paying the instalment of the debt to be secured by the debentures for \$15,000 firstly above mentioned and interest thereon is \$1,253.73, for paying the instalment thereof to be secured by the debentures for \$4,700.00 secondly above mentioned and the interest thereon is \$392.83, and for paying the instalment thereof to be secured by the debentures for \$4,000 thirdly above mentioned and interest thereon is \$334.33.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last revised Assessment Roll thereof is \$17,732,962 of which \$2,517,525 is wholly exempt from taxation and \$3,004,835 is exempt, except for school taxes.

AND WHEREAS the amount of the existing debenture debt of the City of Port Arthur is \$3,512,175.04 exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear.

AND WHEREAS it is advisable to issue the said debentures in sterling money, both as to principal and interest, to be payable at the Bank of Montreal, London, England, or at the Bank of Montreal at the City of Toronto, Canada, at the holder's option.

THEREFORE

THEREFORE the Municipal Council of the Corporation of the City of Port Arthur enacts as follows:—

The agreement with James W. Lyon, a copy of which is hereunto attached as Schedule "A," is hereby ratified and confirmed and the construction of the boulevards, roadway and other works and improvements to be constructed by the City as set out in the said agreement, and everything therein contained to be performed on the part of the City is hereby authorized, ratified and confirmed.

That for the purpose aforesaid debentures of the City of Port Arthur shall be issued in the whole to the amount of \$23,700.00 in sums in sterling money of the denomination of £100 each with one debenture of not less than £20 for any odd amount as follows:—

\$15,000 on the 31st day of December, 1913.

4,700 on the 31st day of December, 1914, and the balance of

4,000 on the 31st day of December, 1915, each of which debentures shall be dated on the day of its issue and shall be made payable within 20 years from said date at the Bank of Montreal, in the City of London, England, or at the Bank of Montreal, in the City of Toronto, Canada, at the option of the holder of the debentures.

Each of the said debentures shall be signed by the Mayor and Treasurer of the said City and the Clerk of the said City shall attach thereto the Corporate Seal of the said City.

The debentures shall bear interest at the rate of five per cent. per annum, and such interest shall be payable half yearly at the said Bank on the first day of January and the first day of July in each and every year during the currency thereof, and the said debentures shall have attached to them coupons for the payment of the said interest which coupons shall be signed by the said Treasurer.

During the currency of the debentures for \$15,000 representing the first instalment of the debt hereby created there shall be raised annually by special rate upon all the rateable property of the said City of Port Arthur the sum of \$750.00 for the payment of the interest falling due in each of the said years respectively on the said debentures, and the sum of \$503.73 for the purpose of creating a sinking fund for the payment of the said first instalment of the debt, making in all the sum of \$1,253.73 to be raised annually by special rate as aforesaid during each of the said 20 years.

During the currency of the debentures for \$4,700 representing the second instalment of the debt hereby created there shall be raised annually by special rate upon all the rateable property of the said City of Port Arthur the sum of \$235.00 for the payment of the interest falling due in each of the said years respectively on the said debentures, and the sum of \$157.83 for the purpose of creating a sinking fund for the payment of the said second instalment of the debt, making in all the sum of \$392.83 to be raised annually by special rate as aforesaid during each of the said 20 years.

During the currency of the debentures for \$4,000.00 representing the third instalment of the debt hereby created there shall be raised annually by special rate upon all the rateable property of the City of Port Arthur the sum of \$200.00 for payment of the interest falling due in each of the years respectively, on the said debentures, and the sum of \$134.33 for the purpose of creating a sinking fund for the payment of the said third instalment of the debt, making in all the sum of \$334.33 to be raised annually by special rate as aforesaid during each of the said 20 years.

This By-law shall take effect on the day of the final passing thereof.

The votes of the electors of the City of Port Arthur entitled to vote thereon shall be taken on this By-law at the following times and places, that is to say; on the 16th day of September, 1912, commencing at the hour of nine o'clock in the morning, city time, and continuing until five o'clock in the afternoon, city time, of the same day, by the following Deputy Returning Officers and Poll Clerks:—

On the 9th day of September, 1912, at his office in the Municipal Building on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, City time, the Mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law respectively.

The 16th day of September, 1912, at the Council Chambers aforesaid, in the Municipal Building on Arthur Street, in the City of Port Arthur, at twelve o'clock at noon, city time, is hereby appointed for the summing up by the said Clerk of the number of votes given for and against this By-law respectively.

Council Chamber, Port Arthur, 30th day of September, 1912.

S. W. RAY,  
Mayor.

T. F. MILNE,  
Clerk.

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THIS AGREEMENT made this twenty-third day of August, A.D. 1912.

Between—

The Corporation of the City of Port Arthur, hereinafter called the "City," of the first part;

—and—

James W. Lyon of the City of Guelph, in the County of Wellington, Gentleman, hereinafter called the "Owner," of the second part.

WHEREAS the City's Service Reservoir is situate on part of Location 1-E, Current River, and the owner is the owner of all the part of the said Location not used by the City for its said Service Reservoir.

AND WHEREAS the owner has consented to convey to the City a strip of land around the said service reservoir to be used for the purposes of a boulevard or driveway, and also to grant to the City a portion of the said location containing 11.51 acres, more or less, which the City requires for an extension to the said reservoir, and also to grant to the City a strip of land on the Southern boundary of the said location for the purpose of widening Chamberlain Street to one hundred feet.

AND WHEREAS the owner has heretofore granted to the City certain portions of the said Location for use in connection with the said service reservoir, but in the conveyances therefor reserved certain rights and privileges and he has now consented to release or surrender the rights and privileges so reserved by him as aforesaid.

Now,



Now, therefore, this agreement witnesseth as follows:—

The owner shall convey to the City a strip of land around the said reservoir and also a strip of land for the purpose of widening Chamberlain Street to one hundred feet, which said lands are shown on the blueprint hereto attached within red lines.

The owner shall convey to the City a portion of the said Location 1-E, lying north of the service reservoir containing 11.51 acres, more or less, and shown colored yellow in the said attached blueprint.

The owner hereby releases to the City all the rights and privileges reserved by him for fishing, boating and other purposes in the conveyances heretofore made by him to the City of portions of the said Location 1-E.

In consideration whereof the City agrees to brush and clear the strip of land around the said reservoir and the said additional width of Chamberlain Street, except for trees that may be required for park purposes, on or before the first day of January, 1913, and further agrees to grade and construct a thirty foot roadway over the whole distance before the 1st day of January, 1914, and further agrees to surface the roadway with a well constructed and proper quantity of macadam with a satisfactory binder, the whole to be completed on or before the 1st day of January, 1915, and further agrees to build and complete a six-foot path or sidewalk on the water side of the said roadway and along Chamberlain Street within the said location, on or before the 1st day of January, 1916.

In building the said roadway the City shall make provision for such necessary drains as may be required to drain the owner's land.

The City shall on or before the first day of January, 1915, expend the sum of not less than Five Thousand Dollars (\$5,000) in beautifying the several points lying between the said proposed roadway and the said service reservoir.

The surfacing of the said Roadway shall be done as a Local Improvement work and the cost thereof borne one-half by the City and the balance by the owner and any others owning lands abutting thereon in proportion to their frontage on the said roadway. The cost of any other work in connection with the said roadway or improvements shall be borne wholly by the City. The word "surfacing" shall mean surfacing with crushed rock and binder only.

A complete survey and description of the lands to be conveyed to the City shall be prepared by the City Engineer at the expense of the City so that the conveyance above provided for shall describe the lands by metes and bounds.

It is understood that the owner grants the said lands between the red lines (shown on Engineer's plan as 1048 of Mining Location 1-E hereto attached) to the City for the purposes of a Boulevard or Driveway and to be used only for the purpose aforesaid.

It is further understood that by way of recognition of the generosity of the owner in granting the said lands to the City the said Boulevard or Driveway shall be named "Lyon Boulevard."

This agreement shall be subject to ratification by the ratepayers and by the Legislature, and shall not take effect unless so ratified.

This

This agreement shall enure to the benefit of the said owner's heirs, executors, administrators and assigns.

In witness whereof the Mayor and Clerk of the City have hereunto set their hands and affixed the seal of the said Corporation, and the party of the second part has hereunto set his hand and seal.

Signed, Sealed and Delivered,  
in the presence of:

(Sgd.) J. J. HACKNEY.

(Sgd.) J. W. LYON,

S. W. RAY.

Mayor.

T. F. MILNE,

Clerk.

PORT ARTHUR, ONT., Aug. 23rd, 1912.

His Worship the Mayor and Aldermen,  
of Port Arthur.

Gentlemen:—

With reference to the agreement between Mr. Lyon and the City regarding driveway and grant of land for same around reservoir, I beg to place before you approximate estimate (revised) of cost of work to be borne by the City.

Clearing land, 35 acres at \$20.00 .....	\$ 700 00
Earth excavation, 10,000 c. y. at 50c. ....	5,000 00
Grading and fixing slopes and boulevards 13,500-ft. at 25c. ....	3,375 00
Culverts .....	500 00
Beautifying corners as per resolution.....	5,000 00
Ditches, 27,000 at 10c. ....	2,700 00
Gravel Walk .....	4,000 00
	<hr/>
	\$21,275 00
Supervision and contingencies .....	2,127 50
	<hr/>
Advertising By-law, Legislature .....	\$23,402 50
	297 50
	<hr/>
	\$23,700 00

Respectfully submitted,

(Sgd.) L. M. JONES,

City Engineer.

## CHAPTER 116.

## An Act respecting The Village of Port Colborne.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Corporation of the Village of Port Colborne has entered into an agreement with the Grand Trunk Railway Company of Canada, a copy of which agreement is set out at length in Schedule "A," to this Act; and has passed by-law No. 4 of 1912 for the purpose of carrying out the provisions of such agreement, and whereas the by-law and agreement were submitted to the electors on the 27th day of March, 1912, when out of 353 entitled to vote, 322 voted for the by-law and agreement, and 2 against the same; and whereas the said parties have by their several petitions prayed that an Act be passed to validate, confirm and make legal the said agreement and by-law; and whereas it is expedient to grant the prayer of the said Petitions;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
of 2nd  
March,  
1912, con-  
firmed.

**1.** The agreement a copy of which is set out as Schedule "A" hereto, is ratified and confirmed and declared to be legal, valid and binding on all the parties thereto, and the said parties are authorized to do all things necessary to carry out the provisions of such agreement.

By-law No.  
4 of 1912,  
of Village  
of Port  
Colborne  
confirmed.

**2.** By-law No. 4 of 1912, of Municipal Corporation of the Village of Port Colborne, set out as Schedule "B" hereto, is ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

## SCHEDULE "A."

Memorandum of agreement made and entered into this second day of March, A.D. 1912:

BETWEEN—

The Corporation of the Village of Port Colborne, in the Province of Ontario, hereinafter called the "Corporation", of the first part;

—and—

The Grand Trunk Railway Company of Canada, hereinafter called the "Grand Trunk", of the second part.

Whereas owing to the proposed location of several large and important manufacturing plants and industries within the limits of the Village of Port Colborne, and to provide accommodation for future developments, it has been considered desirable that the Grand Trunk should revise and enlarge its terminal facilities at Port Colborne, and to do so it becomes necessary to enter into this agreement with regard to the diversion, opening and closing of certain streets and the settlements of questions as to assessments on the new buildings and works.

Therefore this agreement Witnesseth that the parties hereto for and in consideration of the covenants and agreements hereinafter set forth and contained on the part of each to be observed and performed, have and hereby do covenant and agree each with the other as follows, that is to say:—

1. As soon as practicable after the execution of this agreement, the Corporation agree to submit a by-law to the ratepayers of the Village of Port Colborne in the manner provided by *The Municipal Act* and amendments thereto, for the consent and approval of the ratepayers of the terms and conditions of this agreement, including especially the fixing of the annual assessment of the property of the Grand Trunk at the sum of \$16,000 for the next twenty (20) years, as hereinafter mentioned. It is agreed and understood that this by-law will be submitted to be voted upon by the ratepayers at the same time the by-law is to be submitted and voted upon by the ratepayers concerning the arrangement and conditions upon which the Buffalo Union Furnace Company of Buffalo, New York, are to erect and establish new smelting furnaces and plant in the Village of Port Colborne.

2. Subject to the submission to and the carrying, of such by-law by the ratepayers, the Corporation agree with the Grand Trunk:—

(a) To pass such by-laws as may be required by *The Municipal Act* to close up against further public travel and use all existing streets crossing the Dominion Government Canal property easterly and westerly between Fort Erie Street on the south, and the tracks of the Grand Trunk on the north,—the streets so to be closed being as shewn on the plan attached hereto and made part and parcel of this agreement. All expense of preparing, passing and enforcing said by-laws to be borne by the Grand Trunk.

(b) To consent to the moving of Queen Street from its present location to a new location further west to be approved by Corporation and nearer to the canal bank, said street to be of a uniform width of 66 feet as shewn by the plan attached.

(c)

- (c) To pass by-laws as may be required by *The Municipal Act* authorizing the diversion of Durham Street at the corner of Welland Street and Durham Street said diversion to be made at the expense of the Grand Trunk in the manner and as shown by the plan attached.
  - (d) To waive and surrender to the Dominion Government all rights that the Corporation may have under lease or otherwise to any part of the vacant canal lands between Welland Street on the east, the canal bank on the west, and Alexander Street on the south, and the tracks of the Grand Trunk on the north.
  - (e) Subject to the ratification of the ratepayers, as provided by *The Municipal Act*, and amendments thereto, to fix the assessment of all the lands owned, leased and occupied by the Grand Trunk within the limits of the Village of Port Colborne, as at present established, or which the Government of the Dominion of Canada propose selling or leasing to the said company, and which said latter lands are bounded on the east by Welland Street, on the south by Alexander Street, on the west by the Government Canal Reserve and on the north by the line of the Buffalo and Goderich Branch of the Grand Trunk Railway Company, also including lots one, two and the west half of lot three on the south side of Durham Street in said Village and the parcel of land described in deed dated 1st of March, 1912, to Edward Donald from Charles E. Armstrong used and acquired for the purposes of its railway, and business, and all buildings (except dwelling houses), plant erections and fixtures thereon, at the annual valuation or assessment of \$16,000 for each of the next twenty (20) years, from and including the year 1912, and that upon such annual assessment of \$16,000 during each of said twenty (20) years shall be levied and rated the same rates as are levied upon all other property in the said Village of Port Colborne for Municipal purposes,—provided always that school rates and taxes are not intended to be included in the agreement and by-law.
  - (f) To approve and consent to the Grand Trunk establishing at its expense for the use of the public a highway crossing of a width of fifty (50) feet across and over the tracks and land of the Grand Trunk along the easterly prolongation of Secord Street, and for the purpose of affording public communication between Welland Street on the east and the East Street on the west,—it being understood that such highway crossing is to remain open for a period of five years from the first opening thereof, subject thereafter to the direction of the Board of Railway Commissioners.
  - (g) To assist and by all lawful means and to join with the Grand Trunk in obtaining from the Board of Railway Commissioners any order required to give full effect to the terms and conditions of this agreement, and if desired by the Grand Trunk to obtain confirmation of the agreement by a Special Act from the Legislature of the Province of Ontario, all expense to be borne by the Grand Trunk.
3. Subject to the submission to and the carrying of the by-law by the ratepayers, the Grand Trunk agrees with the Corporation:—
- (a) To pay the cost of grading and construction of the new roads and sidewalks according to the standard of the sidewalks at present existing on streets to be closed, also the expenditure that may be required in removing Queen

Street to its new location and of opening the roadway crossing along the easterly prolongation of Secord Street to Welland Street as aforesaid—said roads and walks after construction to be kept and maintained in repair and good condition by the Corporation.

- (b) To at once deposit with the Clerk of the Corporation the sum of \$200 to meet the cost of submitting the said by-laws to the votes of the ratepayers, if there is any deficiency in the amount so deposited to make good such deficiency and any surplus to be returned to the Grand Trunk.
- (c) To provide free of cost to the Corporation the land that may be required for the proposed diversion of Durham Street, as shewn by the plan attached and to pay all cost of the said diversion.
- (d) To erect within two years from the date of the passing of the by-law, a new passenger station and new freight shed, the plans and location of the said buildings to be approved and settled by the Board of Railway Commissioners, as required by the rules and regulations of the Board.
- (e) To pay necessary fees and disbursements of obtaining legislation confirming this agreement and the by-law, if any is desired by the Grand Trunk.

4. Each of the parties hereto covenant and agree with the other to abide by, observe and perform this agreement according to the spirit, true intent and meaning thereof.

5. This agreement shall be binding upon and shall enure to the benefit of the successors and assigns of the parties hereto respectively.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written.

THE CORPORATION OF THE VILLAGE OF PORT COLBORNE

(Sgd.) JOHN COOK,

*Reeve.*

Signed, sealed and delivered  
in the presence of

(Seal.)

(By the Corporation)

FRANK D. NOBLE,  
*Clerk.*

THE GRAND TRUNK RAILWAY COMPANY OF CANADA.

(Sgd) CHAS. M. HAYS,

*President.*

(By the Grand Trunk)

A. T. MORTON.

(Seal.)

## SCHEDULE "B."

## BY-LAW NO. 4, 1912, OF THE VILLAGE OF PORT COLBORNE.

A by-law to authorize the carrying out of the terms of an agreement with the Grand Trunk Railway Company of Canada and to fix the assessment of the property leased, occupied and owned by the said Railway Company in the Village of Port Colborne for a period of twenty years.

Whereas the said Railway Company has entered into a provisional agreement with the Corporation of the Village of Port Colborne, dated Second day of March, A. D. 1912, with respect to the closing and diversion of certain streets necessary to enable the said Railway Company to enlarge and extend its terminal facilities and to provide for the erection of a new passenger station and freight shed, and also providing for a fixed assessment on the said Railway Company's property for a period of twenty years, the whole as more particularly set forth in said agreement, a true copy of which agreement is hereunto annexed and marked "A."

And whereas the Council of the said Village of Port Colborne considering it to be in the public interest and to promote the industrial development of the Village of Port Colborne, deem it expedient that the terms and conditions should be carried out and given effect to.

Now therefore the Municipal Council of the Village of Port Colborne, enacts as follows:—

1. That it shall and may be lawful for the Corporation of the Village of Port Colborne to carry into full effect on the part of the Corporation the terms and conditions of said agreement, dated the second day of March, 1912, a true copy whereof is hereunto annexed and marked "A," and the Reeve and Clerk are hereby authorized and empowered to give all notices required and to do all things and acts necessary to comply with the provisions of *The Municipal Act* and amendments thereto, so far as it relates to the closing and diversion of the streets and highways mentioned in said agreement and to sign, on behalf of the Corporation, and seal with the corporate seal of the Village all deeds, acts and by-laws necessary and required to completely give effect and validity to all the terms and conditions of said agreement on the part of the corporation to be fulfilled, observed and performed.

2. That the lands owned and leased, or occupied by the said The Grand Trunk Railway Company within the limits of the Village of Port Colborne, as at present established, or which the Government of the Dominion of Canada propose selling or leasing to the said Company and which latter lands are bounded on the east by Welland Street, on the south by Alexander Street, on the west by the Government canal reserve, and on the north by the line of the Buffalo and Goderich Branch of the Grand Trunk Railway Company, also including lots one, two and the west half of lot three, on the south side of Durham Street in said Village, and the parcel of land described in deed dated the first of March, 1912, to Edward Donald from Charles E. Armstrong, used and acquired for the purposes of its railway and business and all buildings (except dwelling houses), plant, erections and fixtures thereon shall be annually assessed at the sum of \$16,000 for the next twenty years from and including the year, 1912, and that upon such annual assessment of \$16,000, during each of said twenty years shall be levied and rated the same rates as are levied and rated upon the assessed value of all other property in the said village for municipal purposes, provided always that school rates and taxes are not intended to be included in this by-law.



3. That this by-law shall take effect on the date of the final passing thereof.

4. The votes of the duly qualified electors of the said Municipality of the Village of Port Colborne shall be taken on this by-law at the following times and places, that is to say: on Wednesday, the 27th day of March next, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by the following Deputy Returning Officers and at the following places:

Polling Subdivision No. 2, at Shickluna's Bicycle Shop, on East Street; J. E. Neff, D. R. O.

Polling Subdivision No. 1, at Town Hall on Charlotte Street; Charles Holmes, D. R. O.

5. That on Thursday, the 21st day of March, 1912, The Reeve of the said Village of Port Colborne shall attend at the Town Hall at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, and at the summing up of the votes by the Clerk.

6. That the Clerk of the said Council of the Village of Port Colborne shall attend at the said Town Hall at the hour of twelve o'clock in the forenoon of Thursday, the 28th day of March, 1912, to sum up the number of votes for and against this by-law.

Read and passed a first and second time in Council, this first day of March, 1912.

(Sgd.) F. D. NOBLE,  
*Clerk.*

(Sgd.) JOHN COOK,  
*Reeve.*

Read a third time and finally passed this sixth day of April, 1912.

(Sgd.) FRANK D. NOBLE,  
*Clerk.*

(Sgd.) JOHN COOK,  
*Reeve.*

## CHAPTER 117.

An Act to confirm By-law No. 661 of the Town of Prescott and the agreement entered into between the Town of Prescott and the Grand Trunk Railway Company of Canada, referred to therein

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Corporation of the Town of Prescott and the Grand Trunk Railway Company of Canada have by petition represented that an agreement dated 29th June, 1912, was entered into by and between the Corporation of the Town of Prescott and the Grand Trunk Railway Company of Canada (and which is set out at length in Schedule "A" to this Act), relating to the establishment by the Grand Trunk Railway Company of Canada of certain terminal works, roundhouses and shops, on the terms and conditions more particularly set forth in the said agreement, and the Council of the Corporation of the Town of Prescott, duly passed by-law No. 661 (also set out at length in Schedule "A" to this Act), accepting the terms and conditions of the said agreement referred to, and the said by-law was, according to the provisions of *The Municipal Act* and the amendments thereto, submitted to the ratepayers on the 27th day of September, 1912, when out of 470 persons entitled to vote, 332 voted for and one against the by-law, and the same finally passed on seventh day of October, 1912; and whereas by a resolution passed by the Municipal Council of the Corporation of the Township of Edwardsburg, on second day of July, 1912, the said Council expressed its willingness that the limits of the Town of Prescott should be extended to take in the lands in the Township of Edwardsburg described in said agreement; and whereas the said lands are wholly the property of the said The Grand Trunk Railway Company of Canada, and no person or persons are resident thereon; and whereas in order to confirm and validate the said by-law and agreement, and give the same full force and effect it is desirable that an Act be passed confirming the said by-law and validating the said agreement; and

whereas

whereas it is expedient to grant the prayer of the said Petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 661, of the Corporation of the Town of Prescott, confirming and accepting the terms and conditions of the agreement, dated 29th June, 1912, entered into by and between The Grand Trunk Railway Company of Canada and the Corporation of the Town of Prescott, and also authorizing the issue of debentures for the sum of \$35,000, for the purposes set forth in said by-law, and also fixing the assessment for twenty years for municipal taxation and not for school taxation of the property of the Grand Trunk Railway Company of Canada within the limits of the said Town of Prescott, as extended under the terms and conditions of said agreement and by-law, and confirmed by this Act, and also the other terms and conditions of said agreement dated 29th June, 1912, and which said by-law and agreement are set out in Schedule "A" to this Act, are hereby confirmed and declared to be valid and binding, and shall in all Courts and places be taken and held to be legal, valid and binding in all respects whatsoever, as fully and completely as if the said by-law and agreement and each and every claim thereof, were set out at length and enacted in this Act.

2. Notwithstanding anything contained in *The Municipal Act*, the limits of the Town of Prescott are hereby extended to incorporate and include Lot Number 37 in the First Concession of the Township of Edwardsburg and the Commons Lot in said First Concession of said Township adjoining said Lot number Thirty-seven, and the whole of Commons Lot A in the First Concession, of the Township of Augusta, in the County of Grenville, which adjoins said Commons Lot A, in the Township of Edwardsburg, with the exception of those portions of said lots, lying south of the travelled road crossing said Lots, the said lands so hereby incorporated in the Town of Prescott being more fully described in section 2 of the said By-law No. 661, and said lands shall cease to form part of the said Township of Edwardsburg:

3. All debentures to be issued under said by-law and all rates and assessments levied or to be levied for the payment thereof, are confirmed and declared to be legal, valid and binding.

## SCHEDULE "A."

## BY-LAW, No. 661.

A By-law to authorize the carrying out of the terms of an agreement with the Grand Trunk Railway Company of Canada, and to fix the assessment of the property leased, occupied and owned by said Railway Company within the limits of the Town of Prescott, as hereinafter established for a period of twenty years, and to raise the sum of \$35,000, to provide for the construction of the subway and other works and expenses as in said agreement and hereinafter mentioned.

WHEREAS, the Grand Trunk Railway Company of Canada have entered into a provisional agreement with the Corporation of the Town of Prescott dated the 29th day of June, A.D. 1912, with respect to the construction, maintenance and operation of a railway terminal with roundhouses, shops and appliances connected therewith within the limits of the Town of Prescott, as proposed to be extended and established, and upon the terms and conditions as are fully and more particularly set forth and contained in said agreement, a true copy of which agreement is hereunto annexed and marked schedule "A" and hereby declared to form part and parcel of this By-law.

AND WHEREAS the Council of the said Town of Prescott, considering it to be in the public interest, and to promote the industrial development of the Town of Prescott, deem it expedient that the terms and conditions of said agreement should be carried out and given effect to:

THEREFORE the Municipal Council of the Town of Prescott enacts as follows:—

1. That it shall and may be lawful for the Corporation of the Town of Prescott to carry into full effect on the part of the Corporation the terms and conditions of said agreement dated the 29th day of June, A.D. 1912, a true copy whereof is hereunto annexed and marked Schedule "A" and the Mayor and Clerk are hereby authorized and empowered to give all notices required, and to do all things and acts necessary to comply with the provisions of the Municipal Act, and amendments thereto, so far as it relates to the closing and diversion of the streets and highways mentioned in said agreement, and to have the boundaries of the town extended as proposed, and to join with the said Railway Company in an application to the Board of Railway Commissioners for Canada to authorize the construction of the proposed subway under the tracks of said Railway Company at Edward Street and the closing of level crossing at Walker Street, on the terms and conditions set forth in said agreement. To sign on behalf of the Corporation, and seal with the Corporate seal all deeds, acts and documents, and generally to do all acts and things necessary and required to completely give effect and validity to all the terms and conditions of said agreement on the part of the Corporation to be fulfilled, observed and performed.

2. That the lands owned, leased or occupied by the said Grand Trunk Railway Company of Canada, within the limits of the Town of Prescott, as at present established, or which hereafter may be established, viz., by annexing to the town the property known as:

(1) Part of lot number Thirty-seven in the First Concession of the said Township of Edwardsburg in the County of Grenville, described as follows:—Commencing in front of the said Concession at the south-west corner of lot Number Thirty-seven aforesaid then north sixty-six degrees east eleven chains and eight-eight links then

north

north twenty-four degrees west one hundred and five chains and twenty-seven links more or less to the second Concession; then south sixty-six degrees west eleven chains and eighty-eight links more or less to the line between lot number Thirty-seven and the Commons; then south twenty-four degrees east one hundred and five chains and twenty-seven links more or less to the place of beginning; containing by admeasurement one hundred and twenty-five acres of land, be the same more or less.

(2) The whole of the Commons lot in the First Concession of the Township of Edwardsburg adjoining said lot number Thirty-seven and the whole of Commons lot "A" in the First Concession of the Township of Augusta in the said County of Grenville, which adjoins said Commons lot in the Township of Edwardsburg, and which may be described as follows:—Commencing on the River St. Lawrence at the south-west angle of said Commons "A"; then north twenty-four degrees west, one hundred and five chains, twenty-seven links more or less, to the Second Concession; then north sixty-six degrees east nine chains and fifty links more or less to the limit between the Commons and Lot Number Thirty-seven in Edwardsburg aforesaid; then south twenty-four degrees east one hundred and five chains twenty-seven links more or less to the River St. Lawrence; and then south sixty-six degrees west nine chains fifty links more or less to the place of beginning, containing one hundred acres of land more or less, and being all the land lying between lot thirty-seven in the First Concession of the Township of Edwardsburg and lot Number One in the First Concession of the Township of Augusta except that portion thereof lying south of the road crossing said lots, and all buildings (except dwelling houses) plant, erections and fixtures, superstructures and substructures thereon shall be annually assessed at the sum of sixteen thousand dollars (being the present assessed value of said lands with the existing buildings and fixtures) for the next twenty years from and including the year 1912, and that upon such annual assessment of sixteen thousand dollars during each of said twenty years shall be levied and rated the same rates as are levied and rated upon the assessed value of all other taxable property in the said town for municipal and general purposes, provided always that school rates and taxes are not intended to be covered or affected by this by-law. Provided further that said lands of the Railway Company shall not be liable to be rated and charged for local improvement taxes, except for such works as the said Railway Company may petition for and consent to.

AND WHEREAS the estimated cost of said works and land, land damages and expenses for the purposes as set forth in said agreement to be assumed by the Town is Thirty-five thousand dollars, which sum it is necessary to raise for the purposes aforesaid, and in order thereto, it will be necessary to issue debentures of the Corporation of the Town of Prescott as herein provided.

AND WHEREAS the total amount required by the Municipal Act to be raised annually by special rate for paying the said debt and interest is the sum of \$2,374.05 whereof \$1,750.00 dollars is to be raised annually for payment of interest during the currency of said debentures and \$624.05 is to be raised annually for the purpose of creating a sinking fund for payment of the debt secured by the said debentures.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, amounts to the sum of \$1,260,633.

AND WHEREAS the existing debenture debt of the Municipality amounts to the sum of \$175,218.25, including the sum of \$5,105.73 of Public School debentures, and no principal or interest is in arrear.

AND WHEREAS it is desirable, subject to the assent of the rate-payers of the said town to provide for the works above mentioned  
to

to borrow and expend the said sum of \$35,000.00 for the matters and purposes aforesaid.

THEREFORE the Municipal Council of the Corporation of the Town of Prescott further enacts as follows:—

3. That for the purpose of raising the said sum, debentures of the said Town of Prescott to the said amount of \$35,000.00 in the whole shall be issued in sums of not less than one hundred dollars each on the 30th day of September, A.D. 1912, and shall be payable on the 30th day of September, A.D. 1942, at the Traders Bank or Royal Bank in the Town of Prescott.

4. Each of the debentures shall be signed by the Mayor of the said Town of Prescott, and also by the Treasurer thereof and the Clerk of the Town of Prescott shall attach thereto the Corporate Seal of the Municipality.

5. The said debentures shall bear interest at the rate of five per cent. per annum, payable half yearly at the office of the Traders Bank of Canada or Royal Bank in the Town of Prescott, on the 30th day of March and September in each and every year during the currency thereof, and shall have attached to them coupons for the payment of said interest, which coupons shall be signed by the said Mayor and Treasurer.

6. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Prescott, the sum of \$1,750.00 for payment of interest on the said debentures and the sum of \$624.05 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$2,374.05 to be raised annually by special rate as aforesaid, during each of the said thirty years.

7. The annual amount to be levied on account of the sinking fund shall be paid by the Treasurer of the Municipality to the Treasurer of the Province of Ontario in pursuance of the provisions of section eight of The Ontario Municipal Securities Act, 1908.

8. This By-law, if approved by the ratepayers of the said Town, shall come into force and take effect on the 30th day of September, A.D. 1912.

The votes of the electors of the said Municipality shall be taken on this By-law at the following times and places, that is to say:— On Monday, the twenty-third day of September, 1912, at the hour of nine o'clock in the morning until five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the Deputy Returning Officers shall be as follows:—

(1) Polling sub-division No. 1, East Ward, at George Parker's house at which place and for which polling sub-division Mr. W. G. Scott shall be the Deputy Returning Officer, and Mr. D. H. Keeler shall be the Poll Clerk.

(2) Polling sub-division No. 2, Centre Ward, at C. E. Judge's paint shop, at which place and for which polling sub-division Mr. J. F. Graham shall be the Deputy Returning Officer and Mr. Fred Barton shall be the Poll Clerk.

(3) Polling sub-division No. 3, West Ward, at the Council Chamber, Town Hall, at which place and for which polling sub-division Mr. R. J. Hiscock shall be the Deputy Returning Officer, and Mr. Edward Crowley shall be the Poll Clerk.

9. On Friday, the Twentieth day of September, 1912, the Mayor shall attend at the Council Chamber at the hour of ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk, respectively,

tively, on behalf of the persons interested in and promoting or opposing the passing of this By-law.

10. That the Clerk of the Municipality shall attend at the said Council Chamber at ten o'clock in the forenoon of Tuesday, the twenty-fourth day of September, A.D. 1912, and sum up the number of votes given for and against this said By-law.

Enacted and passed on this Seventh day of October, A.D. 1912.

GEO. ROOK,  
Clerk.

F. W. ELLIOTT,  
Mayor.

(Seal.)

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### SCHEDULE "B."

THIS AGREEMENT made this twenty-ninth day of June in the year One thousand nine hundred and twelve.

BY AND BETWEEN:

THE GRAND TRUNK RAILWAY COMPANY OF CANADA, hereinafter called the "Grand Trunk" of the first part,

and

THE CORPORATION OF THE TOWN OF PRESCOTT, in the County of Grenville, Province of Ontario, hereinafter called the "Corporation" of the second part.

WHEREAS the Grand Trunk have found it necessary to rearrange its terminal facilities for the efficient handling of the traffic and to construct new roundhouses, repair shops and other buildings and appliances for the accommodation of locomotive engines working such traffic on that division of its railway between Belleville and Montreal, and one of the places suggested for the location of such terminal works is at the Town of Prescott;

AND WHEREAS the Corporation, being desirous of having such works located at Prescott, have offered to take the necessary proceedings under the provisions of the Municipal Act or other Statutes in that behalf, with a view to extend the limits of said Town so as to take in the lands and premises hereinafter described, and upon which a part of the terminal and works will be situated and subject to the Corporation getting such limits extended, and further subject to the ratification of this agreement by the votes of the ratepayers on a by-law to be submitted for that purpose, the Corporation have offered the considerations to the Grand Trunk hereinafter set forth, and which offers the Grand Trunk have accepted.

THEREFORE THESE PRESENTS WITNESS that the said parties hereto, respectively, for the consideration hereinafter set forth have and hereby do covenant, promise and agree each with the other as follows, that is to say:

1. As soon as practicable after the execution of this agreement, the Corporation agree to submit a By-law to the ratepayers of the Town of Prescott in the manner provided by the Municipal Act and amendments thereto for the consent and approval of the said ratepayers of the terms and conditions of this agreement.



2. Subject to the submission to and the carrying of such By-law by the ratepayers, and subject to obtaining all other necessary authority that may be required, and Corporation agree with the Grand Trunk:

(a) To pass all resolutions necessary under the Municipal Act and to make application to the Ontario Municipal and Railway Board for an Order approving and consenting to the addition to be made to the town limits so as to include the following lands, that is to say:

COMMENCING at a point on the boundary line between the Townships of Augusta and Edwardsburg where said boundary line is intersected by the northerly boundary of the Town of Prescott, thence easterly on the line of the said north boundary produced to an intersection with the boundary between lots 36 and 37 in said Township of Edwardsburg, thence southerly along said boundary line to the water's edge on the north bank of the St. Lawrence River, thence westerly following the said river bank to its point of intersection by the present easterly boundary of the said Town of Prescott.

(b) To join with the Grand Trunk in an application to the Board of Railway Commissioners for Canada for an Order directing that a subway be constructed under the tracks of the Grand Trunk crossing Edward Street and to establish a new street, if necessary, along the northerly side of the Grand Trunk right-of-way lands to connect Edward Street with Walker Street or to take such other means that may be necessary for the closing of Walker Street crossing the Grand Trunk tracks and to consent to the issuing of said Order by the said Board on terms by which the Town will undertake the cost of construction and maintenance of such subway and the necessary expense of closing Walker Street crossing the Grand Trunk tracks, including extra lands required and land damages and drainage, less the cost of the steel work, super-structures and the tracks which the Grand Trunk shall assume. The whole, according to plans to be prepared by the Grand Trunk and submitted to the Board of Railway Commissioners for approval, provided also that any grant that may be made by the said Board out of the Grade Crossing fund in connection with the doing away of the Grade Crossings at Edward and Walker Streets shall be receivable by the Corporation to be applied on the costs of the work hereby undertaken by the Corporation.

(c) To fix the assessment of all lands owned, leased and occupied by the Grand Trunk within the present limits of the Town of Prescott, and also within the limits of the town as proposed to be extended, by Clause (a) as hereinbefore mentioned, and acquired for the purpose of its railway and business, and all plant, and round houses, shops, erections and fixtures thereon (except dwelling houses) at the annual valuation or assessment of sixteen thousand dollars (\$16,000), (being the present assessed valuation of said property) for each of the next twenty (20) years, from and including the year 1912, and to agree that upon such annual assessment of \$16,000, shall be levied and rated the same rates as are levied and rated upon all property in the said Town of Prescott for all Municipal and general purposes—provided always that school rates and taxes are not intended to be included in the agreement and by-law.

(d) That no charges for any local improvements work undertaken by the Corporation under the provisions of the Municipal Act or amendments thereto shall be rated or levied upon any of the said lands of the Grand Trunk except for such works as the Grand Trunk may consent to, and sign the usual petition therefor;

(e) At the option of the Grand Trunk to continue to supply to the Grand Trunk from the Corporation's Waterworks System a supply of water for the purposes of the locomotive engines, roundhouses,

shops

shops and other buildings and plant of said lands and premises on the same terms as those fixed by the agreement dated October 5th, 1911, that is now in force between the Board of Water Commissioners and the Grand Trunk, provided that the Grand Trunk shall assume the expense of providing all additional water-mains and appliances that are required to enable the said water supply to be conveyed to the Grand Trunk lands and premises.

(f) To furnish to the Grand Trunk from the Corporation's Electric Light System and Works a supply of electric current for lighting and power purposes at rates which shall be at all times equally as low and as favorable to the Grand Trunk as any rates that are charged by the Corporation to any other large consumer or parties.

(g) That should the Grand Trunk require to make use of the Corporation's sewers and drainage system for the purpose of securing an outlet for the sewage and surplus water from said round-houses, shops and buildings and terminals, the Grand Trunk shall have the right without charge to connect with the Corporation's sewer and drainage system, and the Corporation agree to extend, if necessary, the said sewers or drainage works up to the line of the Grand Trunk property so that such connections can be conveniently made.

(h) To assist by all lawful means and to join with the Grand Trunk, if desired by the Grand Trunk, in applying for and obtaining confirmation of this agreement by Special Act from the Legislature of the Province of Ontario, provided that the Grand Trunk shall assume the expense of the necessary fees, and all disbursements required to make such application.

3. Subject as aforesaid, the Grand Trunk agrees with the Corporation:

(a) To establish and erect within two (2) years from the date of the final passing of the by-law, as hereinbefore provided for, within the limits of the Town of Prescott as extended as aforesaid, new railway terminal yards with new locomotive engine roundhouse, repair shops, and other necessary buildings and appliances, at a cost which shall not be less than the sum of One hundred and fifty thousand dollars (\$150,000), including costs of extra tracks, etc.

(b) To maintain said railway yard terminal, locomotive engine roundhouses, repair shops, and other necessary buildings and appliances within the said limits of the Town of Prescott for the period of twenty (20) years from the date of the passing of the By-law aforesaid, provided always that if the Grand Trunk find it expedient, for reasons connected with the convenient operation of its railway, to discontinue the maintenance of said terminal and locomotive engine roundhouses, repair shops, etc., at Prescott within the twenty (20) years next after the passing of the By-law as aforesaid the Grand Trunk will in that case refund and pay to the Corporation if such discontinuance takes place within ten (10) years after the passing of the said By-law the sum of Ten thousand dollars (\$10,000) and if such discontinuance takes place after ten (10) years and before twenty (20) years after the passing of said By-law the sum of five thousand dollars (\$5,000) and thereupon all obligation of the Grand Trunk and the Corporation hereunder shall cease, but if from any cause, after the period of said twenty (20) years the maintenance and operation of said terminals and works are discontinued, and removed from the Town of Prescott, then and in that case, the Grand Trunk shall not be liable to pay anything to the Corporation.

4. Each of the parties hereto covenant and agree with the other to abide by, observe and perform this agreement according to the spirit true intent and meaning thereof.

5. This agreement shall be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above set forth and written.

Signed, sealed and delivered (by the Grand Trunk)

THE GRAND TRUNK RAILWAY COMPANY OF  
CANADA,

By E. J. CHAMBERLAIN,  
President.

D. E. GALLOWAY.

(By the Corporation),

THE CORPORATION OF THE TOWN OF PRES-  
COTT,

By F. W. ELLIOTT,  
Mayor.

GEO. ROOK,  
Clerk.

## CHAPTER 118.

An Act to authorize the Town of Renfrew to  
issue Debentures.*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Town of Renfrew, Preamble.  
has by Petition represented that the Town of Renfrew has spent and issued debentures for the sum of \$177,000 for the development of a Water Power, with Electric Power and Steam Power Auxiliaries, for the purpose of the Waterworks System of the Town of Renfrew, as well as to supply power, if at any time desirable or necessary, for the lighting of the Town, and for the distribution of electricity for manufacturing purposes, that owing to unforeseen delays it was unable to obtain any revenue from such Water Power until near the end of the year 1912; that the Town of Renfrew in the year 1912, paid \$7,182.83 for debentures issued in connection with the development of said Power, which sum should be included in the cost of such Power Plant; that the life of the said power works will be much longer than the thirty years for which the debentures have been issued, and that it is right that the Town of Renfrew should have authority to issue debentures for the said sum of \$7,182.83 and to issue debentures during this year and the next nine years for an amount in each year not exceeding the principal of the town's power development debentures maturing due during that year; and whereas the whole of the existing debenture debt of the Corporation of the Town of Renfrew, exclusive of said Power Development Debentures and exclusive of debentures issued for the owners share of local improvements, is the sum of \$216,223.75, of which no part of the principal or interest is in arrears; and whereas the amount of the rateable property of the said Corporation according to the last revised assessment roll is the sum of \$1,441,574; and whereas the said Corporation has by its petition represented that the steady growth of the Town has necessitated the expenditure of large sums for permanent improvements, that after ten years the amount required to be levied on account of existing debentures

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tures will gradually decrease, but that during the next ten years it will be onerous for the said Corporation to pay all of the principal of the said debenture debts as they mature; and whereas the said Corporation has by its petition prayed that it be given authority to issue debentures for the said sum of \$7,182.83, for such sum each year during this year and the next nine years as may be equal to the principal of the power development debentures accruing due during that year and for sums not to exceed \$10,000 in 1913, \$9,000 in 1914, \$8,000 in 1915, \$7,000 in 1916, \$6,000 in 1917, \$5,000 in 1918, \$4,000 in 1919, \$3,000 in 1920, \$2,000 in 1921, and \$1,000 in 1922, the proceeds of the last mentioned series of debentures to be applied on account of the principal of the Town's debentures maturing due during the year in which such new debentures may be issued; and whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
issue debentures.

1. The Corporation of the Town of Renfrew is authorized:—

- (a) To issue debentures payable within thirty years from May 31st, 1913, for the said sum of \$7,182.83.
- (b) To issue debentures for such sum each year during this year and the next nine years as may be equal to the principal of the said power development debentures accruing due during that year, such new debentures to be payable within thirty years from the date of their respective issue; and
- (c) To issue debentures for sums not to exceed \$10,000 in 1913, \$9,000 in 1914, \$8,000 in 1915, \$7,000 in 1916, \$6,000 in 1917, \$5,000 in 1918, \$4,000 in 1919, \$3,000 in 1920, \$2,000 in 1921, \$1,000 in 1922, for the purpose of applying the proceeds of same on account of the principal of the Town's debentures, other than its said Power Development Debentures, maturing due during the year in which such new debentures may be issued, such new debentures to be payable within thirty years from May 1st, 1913.

2. The said debentures shall be in sums of not less than \$100 and shall be signed by the Mayor and Clerk-Treasurer and be under the seal of the said Corporation and shall be payable at such place as the Council of the said Corporation shall deem expedient. Amount of debentures and place of payment.

3. The said debentures shall bear interest at a rate not exceeding five per cent per annum, and may be issued with or without coupons attached thereto for interest. Rate of interest.

4. The debentures issued under authority of this Act shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debts are to be discharged. Equal annual instalments of principal and interest.

5. The said Corporation shall levy in each year during the periods within which the said debts are payable upon the whole of the then rateable property of the said town, in addition to all other rates, a special rate sufficient to produce the annual instalments of principal and interest upon the said debentures, but during this year and the next nine years the Corporation shall not levy for such portion of the principal of the Town's present debentures as will be paid by the proceeds of the sale of the debentures hereby authorized to be issued. Special rate.

6. It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any By-law or By-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903* and any amendments thereto, and any provisions in the Acts relating to municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to any such by-law or by-laws. Assent of electors not required. <sup>3</sup> Edw. VII c. 19.

7. Any by-law or by-laws providing for the issue, sale or hypothecation of the said debentures hereby authorized to be issued when passed, and any debentures to be issued thereunder when issued shall be legal, valid and binding. By-law and debentures confirmed.

Irregularity  
in form  
not to  
invalidate.

8. No irregularity in form of the said debentures so to be issued as aforesaid or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures, and interest, or any or either of them, or any part thereof, and the said debentures when once issued and disposed of shall be a legal and binding debt of the municipality.

By-law No.  
563 and  
debentures  
Confirmed.

9. By-law Number 563 of the Municipal Corporation of the Town of Renfrew, set out as Schedule "A" hereto, and all debentures issued or to be issued thereunder are confirmed and declared to be legal, valid and binding on the said corporation and on the ratepayers thereof.

#### SCHEDULE "A."

##### BY-LAW NO. 563.

A By-law to authorize the issue of debentures to raise money for the erection and maintenance of an Isolation Hospital in the Town of Renfrew and for the purpose of granting aid to the Board of Governors of Victoria Hospital, Renfrew, to assist the said Board in the erection of a new wing to the Victoria Hospital in the said Town and also for the purpose of laying a water main along Victoria Street to afford fire protection to the said Hospital.

WHEREAS in the opinion of the Council of the Corporation of the Town of Renfrew it is necessary and expedient to erect and maintain in the Town of Renfrew an Isolation Hospital for the reception and care of persons suffering from communicable diseases.

AND WHEREAS the Board of Governors of the Victoria Hospital of the Town of Renfrew have requested the Corporation of the Town of Renfrew to assist in the erection of a new wing to be added to the said Victoria Hospital.

AND WHEREAS the Council of the Corporation of the Town of Renfrew consider it expedient to grant the request of the said Board.

AND WHEREAS the nearest water hydrant to the said hospital is situated at a considerable distance therefrom, and it is desirable and expedient to have one in the immediate neighborhood of the said hospital, as a protection in case of fire.

AND WHEREAS for the purposes aforesaid it will be necessary to borrow the sum of Ten Thousand Dollars (\$10,000.00) on the credit of the said Municipality, to be raised by debentures payable as hereinafter provided;

AND WHEREAS it is desirable to make the principal of the said debt repayable by annual instalments during the period of twenty years next after the issue of the debentures therefor, said instalments of principal to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years.

AND WHEREAS it will be necessary to raise annually for the period of twenty years, during the currency of the debentures hereinafter



inafter mentioned, by a special rate sufficient therefor, on all rateable property of the Municipality, the sum of \$802.43 for paying the several instalments of principal and interest thereon at the rate of five per cent. per annum.

AND WHEREAS the amount of the whole rateable property of the said Town of Renfrew according to the last revised assessment roll being for the year 1912, is the sum of \$1,443,174.

AND WHEREAS the existing debenture debt of the said Town of Renfrew, exclusive of Local Improvement Debenture debt secured by special estimates therefor, amounts to the sum of \$282,987.87, and no part of the principal and interest thereof is in arrear;

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION of the Town of Renfrew enacts as follows:—

1. That it shall be lawful for the said Municipality to borrow upon the security of its debentures hereinafter mentioned, which it is hereby authorized to issue therefor, the said sum of \$10,000. for the purposes aforesaid, and the sum so borrowed shall be repaid within twenty years from the final passing of this By-law, and shall bear interest at the rate of five per centum per annum on the unpaid portion thereof payable yearly.

2. The said debentures (numbered as set forth in Column 1 of Schedule hereto marked "A") shall be twenty in number and for the several amounts of principal set forth in column 4 of said Schedule "A," and one of the said twenty debentures issued under the provisions of this By-law shall be payable on the anniversary of the final passing of this By-law in each of the years respectively set opposite the same in column 2 of the said Schedule "A."

3. The said debentures issued under the provisions of this By-law shall bear interest at the rate of five per centum per annum, payable yearly during the currency thereof, at the same time and place as the several amounts of principal, and shall have attached to them coupons for the payment of the said interest to the number and for the amounts respectively set forth in columns 3 and 5 of said Schedule "A" hereto, which said coupons shall be signed by the Mayor and Treasurer of the said Town of Renfrew.

4. For the purpose of paying off the said debentures, as they respectively become due there shall be raised annually during the said twenty years' period, upon all the rateable property in this Municipality of the Town of Renfrew the amount of principal and the amount of interest payable in each year as set out in columns 4 and 6 respectively of said Schedule "A" which shall be levied by special rate.

5. All debentures required to raise the said loan shall be issued and disposed of by the Treasurer of this Municipality when and as directed by resolution of the Municipal Council of the Town of Renfrew, and shall be payable at the agency of the Bank of Ottawa in Renfrew; the Mayor and Treasurer shall sign each such debenture and the Clerk shall affix thereto the Corporate Seal.

6. This By-law shall go into force and take effect on the date of the final passing thereof.

7. The votes of the electors of the said Municipality qualified to vote on the present By-law shall be taken, on the twenty-fourth day of June, 1912, commencing at nine o'clock in the forenoon and continuing until five in the afternoon, at the following places within the Municipality:—

At or near the Town Hall, Hall Street, John Devine, Deputy Returning Officer.

At

At or near the Council Chamber, J. A. Devenny, Deputy Returning Officer.

At or near No. 3 Hose Reel House, Bridge Street, C. K. Grigg, Deputy Returning Officer.

8. On Saturday, the 22nd day of June, 1912, at the hour of ten o'clock in the forenoon, at the Office of the Clerk of the said Town of Renfrew on Raglan Street, the Mayor shall appoint in writing two persons to attend the final summing up of the votes by the Clerk and one person to attend the poll at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and one person on behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. The Clerk of the Municipal Council of the said Town shall attend at his Office, on Raglan Street, in the said Town at 12 o'clock noon on Tuesday, the 25th day of June, 1912, to sum up the number of votes given for and against this By-law.

Mayor.

Clerk.

#### SCHEDULE "A."

to the foregoing By-law No. 563 of the Town of Renfrew showing the number of each debenture to be issued, the year in which it is payable, the number of interest coupons attached to each debenture, the amount of each interest coupon, the amount of interest payable yearly, the amount of principal payable yearly, and the total yearly payment.

Col. 1, Number of Debenture; Col. 2, year in which payable; Col. 3, number of interest coupons attached; Col. 4, amount of principal for which debentures are issued; Col. 5, Amount of each interest coupon; Col. 6, amount of interest payable yearly; Col. 7, total yearly payment.

1	2	3	4	5	6	7
1	1913	1	302 43	15 12	500 00	802 43
2	1914	2	317 55	15 87	484 88	802 43
3	1915	3	333 42	16 68	469 01	802 43
4	1916	4	350 10	17 50	452 33	802 43
5	1917	5	367 60	18 38	434 83	802 43
6	1918	6	385 98	19 30	416 45	802 43
7	1919	7	405 28	20 26	397 15	802 43
8	1920	8	425 54	21 28	376 89	802 43
9	1921	9	446 82	22 34	355 61	802 43
10	1922	10	469 16	23 46	333 27	802 43
11	1923	11	492 62	24 63	309 81	802 43
12	1924	12	517 25	25 86	285 18	802 43
13	1925	13	543 11	27 16	259 32	802 43
14	1926	14	570 27	28 51	232 16	802 43
15	1927	15	598 78	29 94	203 65	802 43
16	1928	16	628 72	31 44	173 71	802 43
17	1929	17	660 16	33 01	142 27	802 43
18	1930	18	693 17	34 65	109 26	802 43
19	1931	19	727 82	36 40	74 61	802 43
20	1932	20	764 22	38 21	38 21	802 43

I hereby certify that the foregoing is a true copy of By-law No. 563 finally passed by municipal council of the town of Renfrew, on the 25th day of June, 1912.

(Sgd.) N. McCORMACK,  
Mayor.

(Sgd.) J. A. DEVENNY,  
Clerk, Treasurer.

## CHAPTER 119.

## An Act respecting The City of St. Thomas

*Assented to 6th May, 1913.*

**W**HEREAS the Municipal Corporation of the City of Preamble.

St. Thomas, has by its Petition represented that By-law No. 2051 was passed with the assent of the ratepayers on the 1st day of October, A.D. 1912, authorizing the issue of debentures to the amount of \$35,000, by way of loan to The St. Thomas Biscuit Company, and a fixed assessment for ten years of \$5,000, exclusive of school taxes for the establishment of a factory for the manufacture of biscuits, confectionery and cardboard boxes, 1,363 ratepayers voting in favour of the By-law, and 148 against it, and that the said company is now called The Noble Manufacturing Company, Limited; that By-law No. 2052 was passed with the assent of the ratepayers on the 1st day of October, A.D. 1912, authorizing the issue of debentures to the amount of \$15,000, by way of loan to The Erie Iron Works, Limited, and a fixed assessment for ten years of \$5,000, exclusive of school taxes, for the extension and improvement of its factory, 1,282 ratepayers voting in favour of the By-law and 216 against it; that By-law No. 2058 was passed with the assent of the ratepayers on the 18th day of December, A.D. 1912, authorizing the issue of debentures to an amount not exceeding \$45,000, to provide a site and building for E. T. Wright & Company, incorporated, for the manufacture of men's shoes, and for the purchase of the temporary premises occupied by them, 1,537 ratepayers voting for the By-law and 63 against it; and it is expedient that the said By-laws should be ratified and confirmed; and whereas the said Municipal Corporation has further represented that it has entered into an agreement with The Michigan Central Railroad Company (subject to the approval of this Legislature) fixing the assessment of the said Company on all of its property in the City of St. Thomas, for the years 1912 to 1921, inclusive, at the sum of \$450,000, and it is desirable that such agreement should be declared legal and binding; and whereas the said Municipal Corporation has further represented that it is desirable and expedient that the Gas Works and Plant of the City should

be

be placed under the management and control of the Commission, elected to manage and control the Electric Light and Power Plant, and that such Commission should be authorized to manage and operate the Light, Heat and Power Department of the City, in all of its various branches; and whereas the said Corporation has further represented that the one-half acre of land formerly owned by one, Willoughby Clarke, forming part of the north half of Lot Number Six, in the Eighth Concession of the Township of Yarmouth, and mentioned in 34 Victoria, chapter 59, should be detached from the said Township and added to the City of St. Thomas, and that the road allowance on the westerly side thereof should be closed up and sold; and whereas the said Municipal Corporation, has by its Petition prayed that an Act may be passed for the purposes aforesaid, and it is expedient to grant the prayer of the said Petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
2051, loan  
of \$35,000  
to, and  
fixing as-  
sessment of  
property of  
St. Thomas  
Biscuit Co.

1. By-law No. 2051, of the Corporation of the City of St. Thomas, set forth in Schedule "A" to this Act, intituled "A By-law to authorize the granting of a loan of \$35,000 to The St. Thomas Biscuit Company, and a fixed assessment of \$5,000, exclusive of school taxes, for ten years, in consideration of establishing a factory in St. Thomas, for the manufacture of Biscuits, Confectionery and Cardboard Boxes," passed by the Council of the said City on the first day of October, A.D. 1912, and the debentures to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the City of St. Thomas.

Mortgage  
as security  
for loan.

2. The said Municipal Corporation may take from The Noble Manufacturing Company, Limited, as security for the said loan under the said By-law No. 2051, a mortgage upon all the real and personal property of the said company, situate in the City of St. Thomas, and the said mortgage, when executed and registered in the Registry Office of the County of Elgin, and filed in the office of the Clerk of the County Court of the County of Elgin, shall be a first lien, charge and encumbrance upon all of said property until the said loan is paid.

By-law  
2052, loan-  
ing \$15,000  
to, and  
fixing as-  
sessment of  
property of  
Erie Iron  
Works.

3. By-law No. 2052, of the Corporation of the City of St. Thomas, set forth in Schedule "B" to this Act, intituled "A By-law to authorize the granting of a loan of \$15,000 to The Erie Iron Works, Limited, and a fixed assessment of \$5,000 in consideration of the extension and improvement of its factory, plant and machinery," passed by the Council

of

of the said City on the first day of October, A.D. 1912, and the debentures to be issued thereunder, are hereby declared to be valid, legal and binding upon the Corporation of the City of St. Thomas.

4. The said Municipal Corporation may take from The Mortgage Erie Iron Works, Limited, as security for the said loan, as security under the said By-law No. 2052, a mortgage upon all the real and personal property of the said company, situate in the City of St. Thomas, and the said mortgage when executed and registered in the Registry Office of the County of Elgin, and filed in the Office of the Clerk of the County Court of the County of Elgin, shall be a first lien, charge and encumbrance upon all of the said property, until the said loan is paid.

5. By-law No. 2058, of the Corporation of the City of St. Thomas, set forth in Schedule "C" to this Act, intituled "A By-law to authorize the issue of debentures to an amount not exceeding \$45,000, to provide a site and building for E. T. Wright and Company, Incorporated, for the manufacture of men's shoes, and for the purchase of the temporary premises occupied by them," passed by the Council of the said City on the 18th day of December, A.D. 1912, and the debentures to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the City of St. Thomas.

6. The Corporation of the City of St. Thomas, for the purposes set forth in the said By-law No. 2058, may purchase the necessary lands in the City of St. Thomas and erect thereon a factory building, and equip the same in accordance with the provisions of the said By-law, and to lease the same, when completed, to E. T. Wright and Company, Incorporated, for the term of ten years, at a yearly rental, equal to six per cent. on the total cost of such lands, buildings and equipment, and on the terms set forth in said By-law; and may also within the said term of ten years, sell and dispose of the said lands and buildings to the said E. T. Wright and Company, Incorporated, as provided by the said By-law.

7.—(1) The said Corporation may purchase the temporary premises occupied by E. T. Wright and Company, and being the easterly part of Lot Number Six, on the north side of Talbot Street, between New Street and St. George Street, in the City of St. Thomas, as shewn on registered plan No. 15, having a frontage on Talbot Street of about 40 feet, and make leases of the same from time to time, or sell and dis-

pose of the same as the Council of the said Corporation may deem advisable.

Power to borrow \$8,000 to cover cost of completing buildings.

(2) Notwithstanding the provisions of any Act or law, the Corporation of the City of St. Thomas may pass a By-law to borrow, and may borrow a sum not exceeding \$8,000, and may issue debentures therefor, payable in equal annual instalments within twenty years from the date of the issue thereof, with interest not exceeding five per cent. per annum, payable yearly, for the purpose of paying the cost of completing the Shoe Factory Building for the said E. T. Wright & Company, and it shall not be necessary that such By-law shall be submitted to or shall receive the assent of the electors of the said city.

When annual sums required to be levied under by-laws 2051 and 2052 need not be included in yearly estimates.

8. It shall not be necessary for the Corporation of the City of St. Thomas to include in the estimates of the yearly expenditure or to raise on the annual taxes, the sum or sums required to meet the yearly payments for interest, sinking funds, or principal money, on the debentures to be issued under the said By-laws Nos. 2051 and 2052, or either of them, except in those years in which default may be made by either of the said companies, in the repayment of their said loans, or in those years in which any of said payments are to be made by the municipality in any event.

Agreement fixing assessment of property of Michigan Central Railway Company confirmed.

9. Notwithstanding anything contained in any general or special Act to the contrary, the agreement bearing date the 18th day of March, A.D. 1912, and made between the Corporation of the City of St. Thomas, and the Michigan Central Railroad Company, set forth in Schedule "D" to this Act, fixing the assessment of the said railroad company on all of its property in the City of St. Thomas for the years 1912 to 1921, inclusive, at the sum of \$450,000, is hereby declared to be valid, legal and binding upon each of the parties thereto as to the years 1912 to 1916, inclusive, but as to the years 1917 to 1921, inclusive, shall not be legal, valid or binding unless the assent of the electors is obtained thereto as in the case of a by-law for granting a bonus in aid of a manufacturing industry.

Control works, to be under control and management of Board elected under 2 Geo V. c. 45.

10. The Council of the Corporation of the City of St. Thomas may pass a By-law placing and vesting the control and management of the construction, operation and maintenance of the Gas Works and Plant, of the City, under the Board of Commissioners, elected, under the authority of 2 George V., chapter 45, to control and manage the works for the distribution and supply of electric power or energy, and authorizing such Board of Commissioners to manage

and

and control the Light, Heat and Power Department of the City, in all of its various branches; and from and after the passing of the said By-law, the management and control of the construction, operation and maintenance of all such public utilities, shall be vested in the said Commission.

**11.** The one-half acre of land, formerly owned by one, <sup>Certain land in Township of Yarmouth annexed to city.</sup> Willoughby Clarke, being part of the north half of Lot Number Six, in the Eighth Concession of the Township of Yarmouth, referred to in the Statutes of the Province of Ontario, being 34 Victoria, chapter 59, is hereby detached from the said Township and annexed to the City of St. Thomas.

**12.** The Council of the Corporation of the City of St. <sup>Authority to close up and sell road allowance.</sup> Thomas, may, without any other or further formality or proceeding, pass a by-law to close up the road allowance lying on the westerly side of and adjoining the lands in the next preceding section mentioned, and sell and dispose of the same to any adjoining owner.

## SCHEDULE "A."

### BY-LAW NO. 2051.

A BY-LAW TO AUTHORIZE THE GRANTING OF A LOAN OF \$35,000 TO THE ST. THOMAS BISCUIT COMPANY AND A FIXED ASSESSMENT OF \$5,000, EXCLUSIVE OF SCHOOL TAXES FOR TEN YEARS, IN CONSIDERATION OF ESTABLISHING A FACTORY IN ST. THOMAS FOR THE MANUFACTURE OF BISCUITS, CONFECTIONERY, AND CARD BOARD BOXES.

Whereas certain persons proposing to carry on business under the name of The St. Thomas Biscuit Company have made a proposition to the Council of the City of St. Thomas for the establishment of a factory for the manufacture of Biscuits, Confectionery and Card Board Boxes, and for such purpose have agreed to purchase the necessary lands within the city, erect thereon a four-storey, modern brick building, not less than one hundred feet long, and sixty feet wide, with a three-storey addition for the ovens, 17 by 23 feet, and also one and one-half storey engine room, 25 by 40 feet, and to instal therein all requisite machinery, plant and equipment for the purposes aforesaid, the cost of such land, buildings, plant and machinery to be not less than \$60,000, and to maintain and continuously operate the said factory for the term of ten years from the commencement of operation with not less than 75 hands during the first year, and not less than 100 hands during each of the other years of such period of ten years, in consideration of being granted a loan of \$35,000 for the term of ten years, without interest for three years, and thereafter with interest at the rate of five per cent. per annum, and repayable as follows: \$3,000 in four years, \$4,000 in five years, \$5,000 each in six, seven, eight and nine years and \$8,000 in ten years, and in further consideration of being granted a fixed assessment for ten years of \$5,000 on the said lands, buildings, plant and machinery, including business assessment, but exclusive of school taxes and local improvement rates.

And



And whereas it is expedient to grant the said loan and other considerations to the said St. Thomas Biscuit Company, and for the purpose of providing the monies for the said loan, it will be necessary to raise, by way of loan upon the credit of the City of St. Thomas the sum of (\$35,000) thirty-five thousand dollars and to issue debentures of the City of St. Thomas therefor.

And whereas the Municipal Council of the City of St. Thomas has resolved that the said debentures shall be payable as follows: \$3,000 at the end of four years from the date of the issue thereof, \$4,000 at the end of five years, \$5,000 at the end of six years, \$5,000 at the end of seven years, \$5,000 at the end of eight years, \$5,000 at the end of nine years and \$8,000 at the end of ten years from the date of the said issue, with interest at the rate of five per cent. per annum from the date of the issue thereof, payable yearly; and it will require the sum of \$1,750 to be raised yearly in each of the years 1913, 1914, 1915 and 1916, and the sum of \$1,600 in the year 1917, and the sum of \$1,400 in the year 1918, and the sum of \$1,150 in the year 1919, and the sum of \$900 in the year 1920, and the sum of \$650 in the year 1921, and the sum of \$400 in the year 1922, to pay the interest on the said debt and on the respective debentures to be issued therefor; and also the sum of \$2,915.18 to be raised yearly in each of the years 1913 to 1922, inclusive, to form a sinking fund for the payment of the said debt to be created by this By-law and of the respective debentures to be issued hereunder, such last mentioned sums being sufficient with the estimated interest thereof to discharge the said debt and to pay the said debentures, when and as the same become payable.

And whereas the whole rateable property of the City of St. Thomas, according to the last revised assessment roll of the said City being for the year 1912 is the sum of \$8,324,672.00.

And whereas the existing debenture debt of the City of St. Thomas is the sum of \$867,866.21, as against which the corporation has on hand sinking funds to the amount of \$5,373.12, the above amount of debenture debt is exclusive of the sum of \$50,000 of debentures of the St. Thomas Street Railway Company, which have been guaranteed by the Municipality, and is exclusive, also of local improvement debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of \$180,188.67, all of which is guaranteed by the Municipality of the City of St. Thomas at large, and against which the corporation has on hand, sinking funds to the amount of \$9,149.73, and there is no sum in arrears, either for principal or interest for or on account of the said debt.

Therefore the Corporation of the City of St. Thomas, by the Council thereof, enacts as follows:

1. It shall be lawful for the Mayor of the City of St. Thomas for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same upon the security of the debentures hereinafter mentioned the sum of thirty-five thousand dollars and to issue debentures of the City of St. Thomas therefor, in sums of not less than one hundred dollars each, bearing interest at the rate of five per cent. per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

2. The said debentures shall have coupons attached thereto for the interest, and as to principal and interest shall be payable at the office of the city treasurer in the City of St. Thomas.

3. The said debentures shall be payable as follows: \$3,000 at the of four years from the issue thereof, \$4,000 at the end of five years, \$5,000 at the end of six years, \$5,000 at the end of seven years, \$5,000 at the end of eight years, \$5,000 at the end of nine years and \$8,000 at the end of ten years from the date of such issue, with interest at the rate of five per cent. per annum from the date of such issue,

on each, and all of the said debentures shall be payable annually at the office of the City Treasurer in the City of St. Thomas.

4. During the ten years the currency of the debentures to be issued under the authority of this By-law, there shall be raised and levied for the payment of the interest on the said debentures the following sums, that is to say:—the sum of \$1,750 in each of the years 1913, 1914, 1915 and 1916, the sum of \$1,600 in the year 1917, the sum of \$1,400 in the year 1918, the sum of \$1,150 in the year 1919, the sum of \$900 in the year 1920, the sum of \$650 in the year 1921, and the sum of \$400 in the year 1922, and in each of the years 1913 to 1922 inclusive, there shall be raised and levied for the purpose of forming a sinking fund for the payment of the said debentures the sum of \$2,915.18, less such sums as may be received from the St. Thomas Biscuit Company on account of principal and interest, or either of them in the years 1916 to 1922 inclusive in repayment of the said loan and the interest thereon.

5. It shall be lawful for the Mayor of the City of St. Thomas, and he is hereby authorized and instructed to sign and issue the said debentures, and to cause the same, and the interest coupons thereto attached to be signed by the Treasurer of the said City, and the Clerk of the said City is hereby authorized and instructed to attach the seal of the city to the said debentures.

6. A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas over and above and in addition to all rates and taxes, and which special rate shall be sufficient to produce in each year the sums above set forth and required to be raised in such year for payment of interest and for sinking fund, shall be annually levied and collected from the year 1913 to the year 1922 inclusive, (less such sums as may be received by the corporation from the said company in repayment of the said loan and the interest thereon) unless the said debentures shall be sooner paid, for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

7. All monies received by the Corporation from the said Company or persons, either for principal or interest on the said loan, shall forthwith after the receipt thereof be deposited in a special account in the Imperial Bank of Canada, or such other chartered bank, as the council may determine, and the monies standing at the credit of such special account or a sufficient part thereof at the time of settling the total annual rate and making up the collector's roll for any year, shall be applied on or towards the payment of the annual amount falling due in such year for interest or sinking fund on account of the debentures issued to pay said loan, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

8. That for the purpose of establishing a factory in the City of St. Thomas for the manufacture of Biscuits, Confectionery and Card Board Boxes, it shall be lawful for the Corporation of the said City to grant to the said persons or company a loan of \$35,000 for ten years, without interest for the first three years and thereafter with interest yearly at the rate of five per cent. per annum, till the whole principal sum is repaid, the said company to repay the said principal money in seven annual payments as follows:—\$3,000 at the end of the fourth year from the date of the making of the said loan, \$4,000 at the end of the fifth year, \$5,000 at the end of the sixth year, \$5,000 at the end of the seventh year, \$5,000 at the end of the eighth year, \$5,000 at the end of the ninth year and \$8,000 at the end of the tenth year, from the date of the making of the said loan, and also to grant to the said persons or company a fixed assessment, including business assessment, but exclusive of school taxes and local improvement rates, of \$5,000 on the said lands, buildings, plant and machinery.

9. The said sum of \$35,000 shall not be paid over to the said persons or company until such time as it or they has purchased and  
acquired

acquired the necessary lands within the City of St. Thomas, and has erected thereon a four-storey modern brick building, not less than 100 feet long and 60 feet wide with a three-storey addition for the ovens, 17 by 23 feet, and also a one and a half storey engine room, 25 by 40 feet, and has installed therein all requisite machinery, plant and equipment for the purposes aforesaid, at a cost of not less than \$60,000, and has entered into an agreement with the city to maintain and continuously operate the said factory for the term of ten years from the commencement of operations with not less than 75 hands during the first year and not less than 100 hands during each of the other years of said period of ten years, and has executed and delivered to the said city a first mortgage and lien upon the said lands, buildings, plant and machinery as security for the repayment of the said loan and the interest thereon, and for the fulfilment of the said agreement on its part.

10. Before the said loan is paid over the said persons or company shall satisfy the council of the said city, that the lands, buildings, plant and machinery aforesaid, have cost the sum of \$60,000, and in case the cost thereof is found to be less than \$60,000 the amount of the said loan and the debentures to be issued under this By-law, shall be reduced proportionately.

11. The company shall be entitled to change its name or to form a new company, under the Ontario Companies Act, under the same or any other name for the purpose of carrying on the said business, and in such case the new company shall be entitled to all the rights of the St. Thomas Biscuit Company under this By-law on its assuming all of the said company's obligations and liabilities hereunder.

12. The annual amount to be levied under the authority of this By-law on account of the said sinking fund, shall be annually paid by the Treasurer of the Corporation of the City of St. Thomas, to the Treasurer of the Province of Ontario, in accordance with and subject to the provisions of "The Ontario Municipal Securities Act, 1908."

13. This By-law shall take effect on and from and after the date of the final passing thereof.

14. The debentures to be issued under the authority of this By-law shall be issued within two years from the final passing thereof, and shall be paid within ten years from the date of such issue.

15. The votes of the ratepayers of the City of St. Thomas shall be taken on this By-law by the Deputy Returning Officers herein-after named, on Monday, the 16th day of September, A.D. 1912, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

First Ward.—Being Polling Subdivision Number One, at Cox's Paint Shop, No. 169 Talbot Street, by John Merry as Deputy Returning Officer.

Second Ward.—Being Polling Subdivision Number Two, at C. F. Maxwell's Office, No. 254 Talbot Street, by Charles F. Maxwell, as Deputy Returning Officer.

Third Ward.—Polling Subdivision Number Three, at Ursula Smith's house, No. 81 Scott Street, by Samuel Dubber, as Deputy Returning Officer.

Polling Subdivision Number Four, at Robert McCully's Office, No. 320 Talbot Street, by John G. Doherty as Deputy Returning Officer.

Polling

Polling Subdivision Number Five, at Mrs. Clow's house, No. 116 Elgin Street, by Charles Lang as Deputy Returning Officer.

Fourth Ward.—Polling Subdivision Number Six, at Barrett's Barber Shop, No. 533 Talbot Street, by James Kane as Deputy Returning Officer.

Polling Subdivision Number Seven, at Crack's store, No. 640 Talbot Street, by John Thompson as Deputy Returning Officer.

Polling Subdivision Number Eight, at Lumley and Doan's shop, No. 542 Talbot Street, by E. S. Phillips as Deputy Returning Officer.

Polling Subdivision Number Nine, at Frederick J. Bowden's house, No. ½ Oliver Street, by Frederick J. Bowden as Deputy Returning Officer.

Fifth Ward.—Polling Subdivision Number Ten, at L. Dake's store, No. 715 Talbot Street, by W. E. Nicholl as Deputy Returning Officer.

Polling Subdivision Number Eleven at Thomas Hare's house, No. 827 Talbot Street, by A. R. McDonald as Deputy Returning Officer.

Polling Subdivision Number Twelve at Anderson's Barber Shop, No. 93 Ross Street, by Thomas T. Davis as Deputy Returning Officer.

Polling Subdivision Number Thirteen, at Alfred Tapsill's house, No. 5 Myrtle Street, by Charles Rowley as Deputy Returning Officer.

Sixth Ward.—Polling Subdivision Number Fourteen, at William Heard's Barber Shop, No. 917 Talbot Street, by Joseph E. Frazer as Deputy Returning Officer.

Polling Subdivision Number Fifteen, at George Partis' house, No. 98 Erie Street, by R. W. Hutchison as Deputy Returning Officer.

16. That on Saturday, the 14th day of September, A.D. 1912, at three o'clock in the afternoon, at the City Hall, the Mayor shall appoint by writing, signed by him, two persons to attend the final summing up of the votes by the City Clerk, and one person to attend at each polling place on behalf of the persons interested, in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing this By-law.

17. The Clerk of the Municipality shall, on Tuesday, the 17th day of September, A.D. 1912, at the hour of twelve o'clock noon attend at the City Hall, in the City of St. Thomas, and sum up the number of votes given for and against this By-law.

Read a first and second time this 19th day of August, A.D. 1912.

Read a third time and finally passed this first day of October, A.D. 1912.

(Sgd.) W. B. DOHERTY, [L.S.]  
City Clerk.

(Sgd.) R. N. PRICE, [L.S.]  
Mayor.

## SCHEDULE "B."

## BY-LAW NO. 2052.

A BY-LAW TO AUTHORIZE THE GRANTING OF A LOAN OF \$15,000 TO THE  
ERIE IRON WORKS, LIMITED, AND A FIXED ASSESSMENT OF  
\$5,000 IN CONSIDERATION OF THE EXTENSION AND  
IMPROVEMENT OF ITS FACTORY AND  
MACHINERY.

Whereas the Erie Iron Works, Limited, have made a proposition to the Council of the City of St. Thomas, for the extension and improvement of its present factory and its plant and equipment, and have agreed to expend in such extensions and improvements not less than \$10,000 and to increase its capital stock by the sum of \$15,000, and to employ and keep employed in said factory for the term of ten years, continuously, not less than fifty hands, in consideration of being granted a loan of \$15,000 without interest for the first five years, and thereafter at the rate of five per cent. per annum, the said loan to be paid back in six equal payments of \$2,500 each, the first of which payments shall be payable at the end of five years from the making of the loan and the last payment at the end of ten years from said date, and on being granted a fixed assessment for ten years on said lands, buildings, plant and machinery of \$5,000, exclusive of school taxes and local improvement rates, and as security for the said loan and the repayment thereof have agreed to give a first mortgage to the city on all of the said property.

And whereas it is expedient to grant the said loan and other considerations to The Erie Iron Works, Limited, and for the purpose of providing the monies for the said loan, it will be necessary to raise by way of loan upon the credit of the City of St. Thomas, the sum of fifteen thousand dollars, and to issue debentures of the said city therefor.

And whereas the municipal council of the City of St. Thomas has resolved that the said debentures shall be payable as follows: that is to say, in six equal annual instalments of \$2,500 each, the first of which shall be payable at the end of five years from the date of making the said loan and the last payment at the end of ten years from said date, with interest at the rate of five per cent. per annum from the date of the issue thereof, payable yearly; and it will require the sum of \$750 to be raised yearly in each of the years 1913, 1914, 1915, 1916 and 1917, and the sum of \$625 in the year 1918, and the sum of \$500 in the year 1919, and the sum of \$375 in the year 1920, and the sum of \$250 in the year 1921, and the sum of \$125 in the year 1922, to pay the interest on the said debt and on the respective debentures to be issued thereof; and also the sum of \$1,249.36 to be raised yearly in each of the years 1913 to 1922, inclusive, to form a sinking fund for the payment of the said debt to be created by this By-law, and of the respective debentures to be issued thereunder, such last mentioned sums being sufficient, with the estimated interest thereof to discharge the said debt and to pay the said debentures when and as the same become payable.

And whereas the whole rateable property of the City of St. Thomas, according to the last revised assessment roll of the said city, being for the year 1912, is the sum of \$8,324,672.00.

And whereas the existing debenture debt of the City of St. Thomas is the sum of \$867,866.21, as against which the corporation has on hand sinking funds to the amount of \$5,373.12, the above amount of debenture debt is exclusive of the sum of \$50,000 of debentures of the St. Thomas Street Railway, which has been guaranteed by the municipality, and is exclusive also of local improvement debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of \$180,188.67, all of which is  
guaranteed

guaranteed by the municipality at large, and against which the corporation has on hand sinking funds to the amount of \$8,149.73 and there is no sum in arrears, either for principal or interest for or on account of the said debt.

Therefore the corporation of the City of St. Thomas, by the council thereof, enacts as follows:—

1. It shall be lawful for the Mayor of the City of St. Thomas for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate, who may be willing to advance the same upon the security of the debentures hereinafter mentioned, the sum of fifteen thousand dollars, and to issue debentures of the City of St. Thomas therefor, in sums of not less than one hundred dollars each, bearing interest at the rate of five per cent. per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

2. The said debentures shall have coupons attached thereto for the interest, and as to principal and interest shall be payable at the office of the City Treasurer in the City of St. Thomas.

3. The said debentures shall be payable as follows: in six equal annual payments of two thousand five hundred dollars each, the first of which payments shall be payable at the end of five years from the issue thereof, and the last payment at the end of ten years from said date, with interest at the rate of five per cent per annum from the date of such issue on each and all of the said debentures payable annually at the office of the City Treasurer in the City of St. Thomas.

4. During the ten years, the currency of the debentures to be issued under the authority of this by-law, there shall be raised and levied for the payment of the interest on the said debentures the following sums, that is to say: the sums of \$750 in the years 1913, 1914, 1915, 1916 and 1917; the sum of \$625 in the year 1918, the sum of \$500 in the year 1919, the sum of \$375 in the year 1920, the sum of \$250 in the year 1921, and the sum of \$125 in the year 1922; and in each of the years 1913 to 1922 inclusive, there shall be raised and levied for the purpose of forming a sinking fund for the payment of the said debentures the sum of \$1,249.36, less such sums as may be received from The Erie Iron Works, Limited, on account of principal and interest or either of them, in any of the years 1913 to 1922 inclusive, in repayment of the said loan and the interest thereon.

5. It shall be lawful for the Mayor of the City of St. Thomas, and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the said city, and the clerk of the said City is hereby authorized and instructed to attach the seal of the said City to the said debentures.

6. A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas, over and above and in addition to all other rates and taxes, and which special rate shall be sufficient to produce in each year the sums above set forth and required to be raised in such year for the payment of interest and of sinking fund, shall be annually levied and collected from the year 1913 to the year 1922 inclusive, less such sums as may be received by the corporation from the Erie Iron Works, Limited, in repayment of the said loan and the interest thereon) unless the said debentures shall be sooner paid, for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

7. All monies received by the corporation from the said, The Erie Iron Works, Limited, either for principal or interest on the said loan, shall forthwith, after the receipt thereof, be deposited in a special account in the Imperial Bank of Canada, or such other chartered bank as the council may determine, and the monies standing at the credit of such special account or a sufficient part thereof



thereof at the time of settling the total annual rate and making up the Collector's roll for any year, shall be applied on or towards the payment of the annual amount falling due in such year for interest or sinking fund on account of the debentures issued to pay said loan, and the amount to be raised in such year shall be reduced to the extent of the sum so applied.

8. That for the purpose of enabling the Erie Iron Works, Limited, to extend and improve its buildings and plant and add to its machinery and increase its output of manufactured articles, it shall be lawful for the Corporation of the City of St. Thomas to grant to the said company a loan of FIFTEEN THOUSAND DOLLARS for ten years, without interest for the first five years, and with interest thereafter at the rate of five per cent. per annum, payable yearly, the said loan to be repaid in six equal annual payments of two thousand, five hundred dollars each, the first of which payments shall be made at the end of five years and the last payment shall be made at the end of ten years from the date of making the said loan, and also to grant to the said company a fixed assessment for ten years of \$5,000, including business assessment, on its lands, building, plant and machinery.

9. The said loan of \$15,000 shall not be paid over to the said company until such time as it has proved to the satisfaction of the council of the City of St. Thomas, that it has expended in extensions and improvements to its buildings and plant and in addition to its machinery not less than ten thousand dollars, and until it has increased its paid-up capital stock, over and above that at present paid-up, by the sum of fifteen thousand dollars, and has entered into an agreement with the city to maintain and operate its factory and plant for the term of ten years continuously, with not less than fifty hands during the whole of said term, and until it has given to the city a first mortgage on its buildings, lands, plant and machinery of every kind, as security for the said loan and the repayment thereof, and for the performance of the said agreement on its part.

10. The annual payment to be levied under the authority of this by-law on account of the said sinking fund, shall be annually paid by the Treasurer of the City of St. Thomas to the Treasurer of the Province of Ontario, in accordance with and subject to the provisions of the "Ontario Municipal Securities Act, 1908."

11. This by-law shall take effect on and after the date of the final passing thereof.

12. The debentures to be issued under the authority of this by-law shall be issued within two years from the final passing thereof, and shall be paid within ten years from the date of such issue.

13. The votes of the ratepayers of the City of St. Thomas shall be taken on this by-law by the deputy returning officers hereinafter named, on Monday, the 16th day of September, A. D., 1912, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places:

First Ward—Being Polling subdivision Number one, at Cox's paint shop, No. 169 Talbot street, by John Merry as deputy returning officer.

Second ward—Polling subdivision Number two, at C. F. Maxwell's office, No. 384 Talbot street, by Charles F. Maxwell as deputy returning officer.

Third ward—Polling subdivision Number three, at Ursula Smith's house, No. 81 Scott street, by Samuel Dubber as deputy returning officer.

Polling



Polling subdivision Number four, at Robert McCully's office, No. 320 Talbot street, by John G. Doherty, as deputy returning officer.

Polling subdivision Number five, at Mrs. Clow's house, No. 116 Elgin street, by Charles Laing as deputy returning officer.

Fourth Ward:—Polling Subdivision Number six, at Barrett's barber shop, No. 533 Talbot street, by James Kane as deputy returning officer.

Polling subdivision No. 7, at Crack's store, No. 640 Talbot street, by John Thompson as deputy returning officer.

Polling subdivision Number eight, at Lumley & Doan's shop, No. 542 Talbot street, by E. S. Phillips as deputy returning officer.

Polling subdivision Number nine, at Frederick J. Bowden's house, No. 1-2 Oliver street, by Frederick J. Bowden as deputy returning officer.

Fifth ward—Polling subdivision Number ten, at L. Dake's store, No. 715 Talbot street, by W. E. Nicholl as deputy returning officer.

Polling subdivision Number eleven, at Thomas Hare's house, No. 827 Talbot street, by A. R. McDonald as deputy returning officer.

Polling subdivision Number twelve, at Anderson's barber shop, No. 98 Ross street, by Thomas T. Davis as deputy returning officer.

Polling subdivision Number thirteen, at Alfred Tapsill's house, No. 5 Myrtle street, by Charles Rowley as deputy returning officer.

Sixth Ward—Polling subdivision number fourteen, at Wm. Heard's barber shop, No. 917 Talbot street, by Joseph E. Fraser as deputy returning officer.

Polling subdivision Number fifteen, at George Partis' house, No. 98 Erie street, by R. W. Hutchinson as deputy returning officer.

14. That on Saturday the 14th day of September, A.D. 1912, at three o'clock in the afternoon, at the city hall, the mayor shall appoint by writing signed by him, two persons to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing this by-law.

15. The clerk of the municipality shall on Tuesday, the 17th day of September, A.D. 1912, at the hour of twelve o'clock noon attend at the city hall, in the City of St. Thomas, and sum up the number of votes given for and against this by-law.

Read a first and second time this 19th day of August, A.D. 1912.

Read a third time and finally passed this first day of October, A.D. 1912.

(Sgd.) W. B. DOHERTY,  
City Clerk.  
(L.S.)

(Sgd.) R. N. PRICE,  
Mayor.  
(L.S.)

## SCHEDULE "C."

BY-LAW NO. 2058.

A By-law to authorize the Issue of Debentures to an amount not exceeding \$45,000, to provide a site and building for E. T. Wright and Company, Incorporated, for the manufacture of Men's Shoes, and for the purchase of the temporary premises occupied by them.

WHEREAS E. T. Wright and Company (Incorporated), have made a proposition to and have entered into an agreement with the Council of the City of St. Thomas to establish in the said City a factory for the manufacture of men's shoes, and to maintain such factory in continuous operation, with not less than 175 hands for the term of ten years, on condition that the City purchase a satisfactory site therefor and erects thereon a four-storey (and basement) brick or cement building about 125 feet long and 45 feet wide, of modern mill construction, equipped with line shafting, and with a sprinkler system, and with a system of heating either with steam or hot water, the plans of the said building to be approved by the said Company, and leases the said lands and buildings to the said Company at a yearly rental equal to six per cent. on the total cost of such buildings and lands, and on condition also that temporary premises are provided for the said Company in which to carry on business until the completion of said factory, on payment by them of a reasonable rental therefor, and it is expedient that the ownership of such temporary premises should be acquired by the City, and it is estimated that the cost of all such lands, buildings and premises will be about \$45,000.

AND WHEREAS it is expedient to accept the proposition of the said Company, and in order to provide the monies for the purchase of the said lands and the construction and equipment of such new building, and the acquisition of such temporary premises, it will be necessary to raise by way of loan upon the credit of the City of St. Thomas a sum not exceeding \$45,000 and to issue debentures of the said City therefor.

AND WHEREAS the said Council has resolved that the said debentures shall be payable in twenty equal annual instalments, the said instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest in each of the other years of such period of twenty years.

AND WHEREAS the whole rateable property of the City of St. Thomas, according to the last revised assessment roll of the said City being for the year 1912, is the sum of \$8,324,672.

AND WHEREAS the existing debenture debt of the City of St. Thomas, is the sum of \$908,508.36 as against which the Corporation has on hand sinking funds to the amount of \$5,373.12, the above amount of debenture debt is exclusive of the sum of \$50,000 of debentures of the St. Thomas Street Railway Company, which have been guaranteed by the Municipality and is exclusive also of Local Improvement Debentures secured by special rates and assessments, which last mentioned debt amounts to the sum of \$180,186.66, all of which is guaranteed by the Municipality of the City of St. Thomas at large, and against which the Corporation has on hand sinking funds to the amount of \$9,149.73 and there is no sum in arrears either for principal or interest for or on account of the said debt.

THEREFORE THE CORPORATION OF THE CITY OF ST. THOMAS BY THE COUNCIL THEREOF, ENACTS AS FOLLOWS:

1.—That for the purpose of providing for the establishment in St. Thomas by E. T. Wright & Company (Incorporated) of a factory

tory for the manufacture of men's shoes, it shall be lawful for the Mayor and Council of the said City to purchase within the City such lands as shall be required for the said factory, and for any reasonable extensions thereof, and to erect on the same, a four storey brick or cement building with basement about 125 feet long and 45 feet wide of modern mill construction, and according to plans to be approved of by the said Company, and to equip the same with line shafting, with a sprinkler system, and with a system of heating either with steam or hot water, and to lease the said lands and building when completed to the said Company, for a term of ten years, with the right of renewal to the said Company for a further term of ten years, at a yearly rental equal to six per cent. on the total cost of said lands, buildings and equipment to the City, with the privilege of purchasing said lands and building, within the ten years, at the actual cost of the same to the City at the time of such purchase on the said Company entering into a lease with the City on the terms aforesaid, and into an agreement satisfactory to the City Council, that the Company will maintain and continuously operate the said factory, and that it will employ 175 hands in such factory before the end of the first year of said term, and will keep at least that number employed thereafter during the remainder of said term of ten years, and will keep the inside of the said building in repair during the said term, the City to keep the outside of the same in repair.

2.—And it shall be further lawful for the said Mayor and Council to purchase and acquire the temporary premises occupied by the said Company, and being the easterly part of Lot Number Six, on the north side of Talbot street between New street and St. George street in the City of St. Thomas, as shown on registered plan No. 15, and having a frontage on Talbot street of about 40 feet, and to make leases of the same from time to time, or to sell and dispose of the same, for the purpose of establishing a factory or factories thereon, on such terms as the Council deems advisable.

3.— It shall be lawful for the Mayor of the City of St. Thomas for the purpose aforesaid, to borrow from any person or persons, body or bodies corporate who may be willing to advance the same upon the security of the debentures hereinafter mentioned, the sum of Forty-five Thousand Dollars and to issue debentures of the City of St. Thomas therefor, in sums of not less than one hundred dollars each, bearing interest at a rate of not exceeding five per cent per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

4.—The said debentures shall have coupons attached thereto for the interest or the interest may be included in the said debentures and as to principal and interest shall be payable at the office of the city treasurer in the City of St. Thomas.

5.—The said debentures shall be payable in annual instalments within twenty years from the date of the issue thereof at the office of the City Treasurer in the City of St. Thomas, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during the said term of twenty years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of twenty years as is hereinafter particularly set forth.

6.—The said debentures shall bear interest at a rate not exceeding five per cent. per annum, from the date of the issue thereof, which said interest shall be payable on the first day of January in each and every year during the currency of the said debentures or any of them, the first of such payments to be made on the first day of January, A.D. 1914.

7.—It shall be lawful for the Mayor of the City of St. Thomas and he is hereby authorized and instructed to sign and issue the

said debentures and to cause the same and the interest coupons thereto attached to be signed by the Treasurer of the said City, and the Clerk of the said City is hereby authorized and instructed to attach the seal of the said City to the said debentures.

8.—There shall be levied and raised in each and every year for twenty years the currency of the debentures to be issued under the authority of this By-law, by a special rate sufficient therefor on all the rateable property in the said City of St. Thomas, over and above and in addition to all other rates and taxes, the sum of \$3,610.92 for payment of the several instalments of principal and interest accruing on the said debt as the same become respectively payable in the years hereinafter mentioned, and the sums to be so raised and levied for the payment of the said principal and interest in each year during the said period are as follows:—

Year.	Principal.	Interest.	Total.
1913 .....	\$1,360.92	\$2,250.00	\$3,610.92
1914 .....	1,428.96	2,181.96	3,610.92
1915 .....	1,500.41	2,110.51	3,610.92
1916 .....	1,575.43	2,035.49	3,610.92
1917 .....	1,654.20	1,956.72	3,610.92
1918 .....	1,736.91	1,874.01	3,610.92
1919 .....	1,823.76	1,787.16	3,610.92
1920 .....	1,914.95	1,695.97	3,610.92
1921 .....	2,010.69	1,600.23	3,610.92
1922 .....	2,111.23	1,499.69	3,610.92
1923 .....	2,216.79	1,394.13	3,610.92
1924 .....	2,327.63	1,283.29	3,610.92
1925 .....	2,444.01	1,166.91	3,610.92
1926 .....	2,566.21	1,044.71	3,610.92
1927 .....	2,694.52	916.40	3,610.92
1928 .....	2,829.25	781.67	3,610.92
1929 .....	2,970.71	640.21	3,610.92
1930 .....	3,119.24	491.68	3,610.92
1931 .....	3,275.21	335.71	3,610.92
1932 .....	3,438.97	171.95	3,610.92

9.—A special rate on the dollar upon the assessed value of all the rateable property in the City of St. Thomas, over and above and in addition to all other rates and taxes, which special rate shall be sufficient to produce in each year the sum required to meet the annual instalments of principal and interest accruing due on the said debentures, but not exceeding in any year the sum of \$3,610.92, shall be annually levied and collected from the year 1913 to the year 1932 inclusive, (unless the said debentures shall be sooner paid) for the purpose of paying the said debt and the interest thereon as hereinbefore specified.

11.—The debentures to be issued under the authority of this by-law shall be issued within two years from the final passing thereof, and shall be paid within 20 years from the date of such issue.

12.—The votes of the ratepayers of the City of St. Thomas shall be taken on this by-law by the Deputy Returning Officers hereinafter named on Wednesday, the 4th day of December, A.D. 1912, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

FIRST WARD—Being polling subdivision number one at Cox's paint shop, No. 169 Talbot street, by John Merry as Deputy Returning Officer.

SECOND WARD—Being polling subdivision Number Two, at C. F. Maxwell's office, No. 254 Talbot Street, by Charles F. Maxwell, as deputy returning officer.

THIRD WARD—Polling subdivision Number Three, at Ursula Smith's house, No. 81 Scott street, by Samuel Dubber, as deputy returning officer.

Polling subdivision Number Four, at Robert McCully's office, No. 320 Talbot street, by John G. Doherty, as deputy returning officer.

Polling subdivision Number Five, at Mrs. Clow's house No. 116 Elgin street by Charles Lang, as deputy returning officer.

FOURTH WARD—Polling subdivision Number Six at Barrett's Barber Shop, No. 533 Talbot street, by James Kane as deputy returning officer.

Polling subdivision Number Seven, at Crack's store, No. 640 Talbot street, by John Thompson, as Deputy Returning Officer.

Polling subdivision Number Eight, at Lumley & Doan's shop, No. 542 Talbot street, by E. S. Phillips as deputy returning officer.

Polling subdivision Number Nine, at Frederick J. Bowden's house, No. 1-2 Oliver street, by Frederick J. Bowden as deputy returning officer.

FIFTH WARD—Polling subdivision Number Ten, at L. Dake's store, No. 715 Talbot street, by W. E. Nicholl as deputy returning officer.

Polling Subdivision Number Eleven, at Thomas Hare's house, No. 827 Talbot street, by A. R. MacDonald as deputy returning officer.

Polling subdivision Number Twelve, at Anderson's Barber Shop, 93 Ross street, by Thomas T. Davis, as deputy returning officer.

Polling Subdivision Number Thirteen, at Alfred Tapsill's house, No. 5 Myrtle street, by Charles Rowley, as deputy returning officer.

SIXTH WARD—Polling Subdivision Number Fourteen, at William Heard's Barber Shop, No. 917 Talbot street, by Joseph E. Frazer, as deputy returning officer.

Polling Subdivision Number Fifteen, at George Partis' house, No. 98 Erie street, by W. V. McDonald, as deputy returning officer.

13.—That on Tuesday, the 3rd day of December, A.D. 1912, at three o'clock in the afternoon, at the City Hall, the Mayor shall appoint by writing, signed by him, two persons to attend the final summing up of the votes by the City Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.

14.—The Clerk of the Municipality shall on Thursday, the 5th day of December, A.D. 1912, at the hour of twelve o'clock noon, attend at the City Hall, in the City of St. Thomas, and sum up the number of votes given for and against this by-law.

Read a first and second time this 8th day of November, A.D., 1912.

Read a third time and finally passed this 18th day of December, A.D. 1912.

(Sgd.) W. B. DOHERTY,  
City Clerk.  
(L.S.)

(Sgd.) R. N. PRICE,  
Mayor.  
(L.S.)

## SCHEDULE "D."

THIS AGREEMENT made in duplicate this eighteenth day of March, in the year of our Lord, one thousand nine hundred and twelve.

BETWEEN

THE CORPORATION OF THE CITY OF ST. THOMAS, in the Province of Ontario, hereinafter called the "City"

of the First Part,

AND

THE MICHIGAN CENTRAL RAILROAD COMPANY, Lessee of THE CANADA SOUTHERN RAILWAY COMPANY, hereinafter called the "Company"

of the Second Part;

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario, being 44 Victoria, chapter 46, intituled "An Act to incorporate the City of St. Thomas," the taxes on its property in St. Thomas, of the Canada Southern Railway Company, now leased and operated by the Michigan Central Railroad Company, were fixed and commuted for 15 years as follows: \$1,500 per year for the first five years of said term, \$2,000 for the second five years, and \$2,500 for the last five years of said term.

AND WHEREAS the Municipal Council of the City of St. Thomas by By-law No. 993 passed on the 6th day of April, A.D. 1897, under the authority of an Act of the Legislature of the Province of Ontario, being 33 Victoria, chapter 32, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company and to change the name to the Canada Southern Railway Company," fixed and commuted the taxes of the said Company on its property in St. Thomas, at the sum of \$3,750 for the further term of fifteen years, being for the years 1897 to the year 1911 inclusive.

AND WHEREAS the said agreements have worked out to the mutual satisfaction of the City and the Company.

AND WHEREAS the assessed value of all the rateable property liable to assessment in the City of St. Thomas, of The Michigan Central Railroad Company and the Canada Southern Railway Company for the year 1912, according to the assessment made of the same by the Assessment Commissioner of the said City, is the sum of \$450,000, and the City and the Company have agreed that such assessment shall be fixed at the said sum for the year 1912 and for the next ensuing nine years, subject to this agreement being ratified and confirmed by the Legislature.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the said parties hereto do hereby covenant, promise and agree each with the other as follows, that is to say:—

1. The City covenants and agrees with the Company that the assessment for general purposes of \$450,000 made by the Assessment Commissioner of the city for the year 1912, shall be and remain as the assessment on all the property of The Michigan Central Railroad Company and the Canada Southern Railway Company liable to assessment in the City of St. Thomas for the years 1912 to 1921 inclusive, and that the amount of said assessment shall not be increased in any of the said years, and shall cover all property now owned or at any time within the said period acquired but nothing in this agreement contained shall affect or be construed to affect, local improvement rates, assessments or taxes which

\* which are now or may hereafter be imposed upon the lands of the said Companies or either of them in the said City.

2. The Company covenants and agrees with the City that the Company will in each of the years, 1912 to 1921, both inclusive, pay to the City the yearly rates and taxes on the said assessment of its said property of \$450,000 imposed or which may be imposed in each of the said years by the Council of the City, at the times and in the manner provided by law and by the By-laws of the City in that behalf.

3. The City and Company further covenant and agree each with the other that they will join in an application to the Legislative Assembly of the Province of Ontario, for an Act to ratify, confirm and legalize this agreement; the expense incurred in procuring or attempting to procure such Act to be borne equally by the City and the Company.

4. This agreement is made subject to the same being ratified and confirmed by the Legislative Assembly of the Province of Ontario, and to an Act being passed by the said Legislative Assembly ratifying, confirming and legalizing the same.

IN WITNESS WHEREOF the said parties have hereunto set their respective Corporate Seals by the hands of the proper officers thereof.

SIGNED, SEALED AND DELIVERED  
in presence of

(Sgd.) W. B. DOHERTY,  
City Clerk.

(Sgd.) R. N. PRICE. (Seal.)

THE MICHIGAN CENTRAL RAILROAD COMPANY  
BY

(Sgd.) W. C. BROWN, (Seal.)  
President.



## CHAPTER 120.

## An Act respecting the Town of Sandwich

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Sandwich has by petition represented that owing to the wide distribution of the more thickly populated parts of the Town of Sandwich, long stretches of water mains are required to be laid down opposite vacant land in order to supply these separated groups of the population with water, the whole of which construction increases the actual value of such vacant lots but no charges can be made upon the same for other than water used; and whereas the said Town has recently created a Board of Water Commissioners under the authority of *The Municipal Water Works Act*; and whereas the said Corporation has prayed that an Act be passed enlarging the powers of the said Corporation and Board as is hereinafter set out; and whereas the said Corporation has also prayed that certain tax sales and deeds should be confirmed and that it should be authorized to make private sewer connections with premises on default of the owners; and whereas it is expedient to grant the prayer of the said Petition.

THEREFORE, HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
charge  
special  
rate.

1.—(1) The Corporation of the Town of Sandwich or its Board of Water Commissioners (so long as such Board shall exist), may pass By-laws for levying, charging and collecting a special rate of not more than four mills on the dollar in each year, on the assessed value of the land, lots, or parts of lots, exclusive of buildings, and whether occupied or vacant and whether the owners or occupiers use the water or not in, through or opposite which any water main is laid, in order to assist in meeting the depreciation in the system or any loss or deficit arising out of the construction, operation or maintenance thereof or to form a contingent fund in connection with the Waterworks system.

(2) Said rate may be levied and collected in the same Collection of special manner as water rates under the provisions of the Municipal rate. Waterworks Act.

(3) Upon the production by the owner or the occupier Allowance upon water rates. of a receipt for any year showing the payment of the sum, rate or rent charged for the use of the water under the provisions of the Municipal Waterworks Act or of a receipt for any year for the rate charged under a By-law passed under this Section the smaller shall be credited upon the larger for the same year and the Corporation shall remit or allow to such owner or occupier the amount so paid as a payment on account of the larger sum.

2. The said Corporation or its Board of Water Commissioners (so long as such Board shall exist) may at any time construct and lay down service pipes up to the outer line of any street, and charge the expense incidental to such laying either in one sum or by instalments payable from time to time against the land benefitted by such service pipe and the same shall be payable by the owner on demand to the Corporation, or if not so paid may be collected in the same manner as water rates. Laying down of service pipes to outer line of street.

3. The Corporation may agree with any bank or person Temporary advances. for temporary advances to meet the cost of any number of such works and on the completion thereof may pass a by-law without the assent of the electors to borrow money by the issue of debentures to pay the cost of such works, and shall by such by-law impose a special rate on each lot whereon any such work has been constructed for the repayment of such debentures.

4. Such debentures may be purchased by the Corporation in the same manner as local improvements debentures Guarantee of debentures by Corporation. may be purchased.

5.—(1) All sales of land in the Town of Sandwich made prior to the 31st day of December, 1911, and which purport to be made by the Corporation of the said Town for arrears of taxes in respect to lands so sold, are hereby validated and confirmed, and all deeds of lands so sold, executed by the Mayor and Treasurer of the said Town purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed and shall have the effect of vesting the lands so sold and conveyed, or purported to be sold or conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the times of such Confirmation of tax sales and deeds. sale

sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Pending  
litigation  
not  
affected.

(2) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Private  
sewer  
connections.

**6.**—(1) The Corporation may require that the owners of any lands, from time to time, abutting on a highway, lane or public place, where a common sewer is constructed, shall connect such common sewer by a private sewer connection with each and every building situate on such lands occupied by any person, office or business, including restaurants and laundries, and such owners shall also install and connect up to such private sewer connection a proper and sanitary sink and closet in the case of laundries, restaurants and dwellings. and otherwise a closet only in accordance with any plumbing regulations of the Corporation in that behalf.

Powers of  
Council in  
default of  
compliance.

(2) In default of such owners complying herewith within thirty days after receiving notice so to do, the Council may close from use all buildings in respect of which default has been so made until the provisions hereof have been fully complied with.

## CHAPTER 121.

An Act to Confirm By-laws Nos. 790, 787, 785  
and 757 of the Town of Sarnia*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Town of Sarnia has Preamble.  
petitioned praying that an Act may be passed for  
the following purposes, namely: To legalize, ratify and con-  
firm By-law No. 790 of the said Town of Sarnia, intituled  
“A By-Law to raise Two Hundred and Forty Thousand  
Dollars to pay for the extension of the Waterworks System  
to Lake Huron,” and finally passed by the Municipal Coun-  
cil of the said Town on the Fifteenth day of November, 1912,  
after the same had been duly submitted to the electors of  
the said town entitled to vote on such By-Laws and had re-  
ceived the assent of a large majority of such electors voting  
thereon and to authorize the debentures issued or to be issued  
under such By-law to be for the principal sums authorized  
to be borrowed under such By-Law with coupons attached  
for the payment of the interest or as provided for in said  
By-Law and which By-Law is set out in schedule “A”  
hereto: Also to legalize, ratify and confirm By-Law No. 787  
of the said Town of Sarnia intituled “A By-Law to raise  
the sum of Forty Thousand Dollars, for the following pur-  
poses, namely: Thirty-Two Thousand Dollars for the erec-  
tion of a new eight-roomed Public School Building and Eight  
Thousand Dollars to procure a site therefor,” and finally  
passed by the Municipal Council of the said Town on the  
Twenty-ninth day of October, A.D. 1912, and to authorize  
the debentures issued or to be issued under such By-Law to  
be for the principal sums authorized to be borrowed under  
such By-law with coupons attached for the payment of the  
interest or as provided for in such By-law and which By-  
law is set out in schedule “B” hereto: Also to legalize, ratify  
and confirm By-Law No. 785 of the said Town of Sarnia  
being a local improvement By-Law intituled “A By-  
Law to raise Eleven Thousand and Eighty Dollars by  
the issue of Debentures secured by local special rates  
on property fronting or abutting on streets or portions  
of

of streets in the Town of Sarnia, in said By-Law set out and partly secured by general rate for the payment of the construction of granolithic pavements and curbs on said streets or portions thereof," and finally passed by the Municipal Council of the said Town on the Thirtieth day of August, 1912, and to authorize the debentures issued or to be issued under such By-Law to be for the principal sums authorized to be borrowed under such By-Law with coupons attached for the payment of interest or as provided for in said By-Law and further to authorize the Municipality of the said Town to borrow on the credit of the Corporation of the said Town at large the moneys authorized to be borrowed by said By-Law notwithstanding the provisions in the said By-Law that the debentures or any portion thereof are to be paid out of special rates and guaranteed by the Municipality at large: And also to legalize, ratify and confirm By-Law No. 757 of the said Town of Sarnia being a local improvement By-Law intituled "A By-Law to provide for borrowing \$3,022.00 by the issue of debentures secured by local special rates on property fronting on Streets in said By-Law set out, for the payment of granolithic pavement of sidewalks laid on portions of said streets," and finally passed by the Municipal Council of the Town of Sarnia on the Tenth day of October, 1910, and to authorize the debentures issued or to be issued thereunder to be for the principal sums authorized to be borrowed under such By-Law with coupons attached for the payment of interest or as provided for in such By-Law, and that notwithstanding that more than two years have elapsed since the passing of such By-Law such debentures may be issued at any time within one year after the passing of this Act; And whereas it is expedient to grant the prayer of the said petition;

THEREFORE HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
790 con-  
firmed.

1.—(1) Subject to the provisions of Subsection 2 hereof By-Law No. 790 of the Municipal Corporation of the Town of Sarnia set out in Schedule "A" hereto and all debentures issued or to be issued thereunder and all rates and assessments made or to be made for the payment thereof are hereby validated and confirmed and are declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

(2) The said Corporation of the Town of Sarnia may issue the debentures provided to be issued under such By-Law for the principal sums provided to be borrowed under

said

said By-Law with coupons attached for the payment of the interest provided to be paid under the By-Law or as provided for in such By-Law. Mode of issue of debentures.

**2.**—(1) Subject to the provisions of Subsection 2 hereof By-Law No. 787 of the Municipal Corporation of the Town of Sarnia set out in Schedule "B" hereto and all debentures issued or to be issued thereunder and all rates and assessments made or to be made for the payment thereof are hereby validated and confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof. By-law 787 confirmed.

**2.**—(1) Subject to the provisions of subsection 2 issue the debentures provided to be issued under such By-Law for the principal sums provided to be borrowed under said By-Law with coupons for the payment of the interest provided to be paid under the By-Law or as provided for in such By-Law. Mode of issue of debentures

**3.**—(1) Subject to the provisions of subsection 2 hereof By-Law No. 785 of the Municipal Corporation of the Town of Sarnia finally passed by the Municipal Council of the said Town on the Thirtieth day of August, A.D. 1912, and intituled "A By-Law to raise Eleven Thousand and Eighty Dollars by the issue of Debentures secured by local special rates on property fronting or abutting on streets or portions of streets in the Town of Sarnia, in said By-Law set out and partly secured by general rate for the payment of the construction of granolithic pavements and curbs on said streets or portions thereof," and all Debentures issued or to be issued thereunder, and all rates and assessments made or to be made for the payment thereof are hereby validated and confirmed and are declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof. By-law 785 confirmed.

(2) The said Corporation of the Town of Sarnia may issue the debentures provided to be issued under such By-Law for the principal sums provided to be borrowed under said By-Law with coupons attached for the payment of the interest provided to be paid under the By-Law or as provided for in said By-Law and the said Municipality is hereby further authorized and empowered to borrow on the credit of the municipality at large the moneys provided to be borrowed by said By-Law and to pledge the security of the said Municipality for the sums so borrowed and interest thereon, notwithstanding any provisions contained in said By-Law that the debentures or any part thereof are to be paid out of the special rates provided to be levied under the By-Law and guaranteed by the municipality at large. Mode of issue of debentures.

By-law 757  
confirmed.

4.—(1) Subject to the provisions of Subsection 2 hereof By-Law No. 757 of the Municipal Corporation of the Town of Sarnia finally passed by the Municipal Council of the said Town on the Tenth day of October, 1910, being a By-Law intituled "A By-Law to provide for borrowing \$3,022.00 by the issue of debentures secured by local special rates on property fronting on Streets in said By-Law set out, for the payment of granolithic pavement of sidewalks laid on portions of said streets," and all debentures issued or to be issued thereunder, and all rates and assessments made or to be made for the payment thereof are hereby validated and confirmed and are declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

Mode of  
issue of  
debentures.

(2) The said Corporation of the Town of Sarnia may issue the debentures provided to be issued under such By-law for the principal sums provided to be borrowed under said By-Law with coupons attached for the payment of the interest provided to be paid under the By-Law or as provided for in such By-Law, and the said Corporation of the Town of Sarnia is hereby authorized and empowered at any and all times within one year from the passing of this Act to issue all or any of the debentures provided by the said By-Law to be issued notwithstanding that two years have elapsed since the said By-Law was passed.

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## SCHEDULE "A."

### BY-LAW No. 790.

A By-Law to raise Two Hundred and Forty Thousand Dollars to pay for the extension of the Water Works System to Lake Huron.

WHEREAS it has become desirable to remove the Power Plant of the Sarnia Water Works to Lake Huron Shore in the Village of Point Edward, and to lay mains from such plant to the Town of Sarnia and otherwise improve the Water Works of the said Town;

AND WHEREAS the Municipal Council of the said Town of Sarnia has procured an estimate of the cost of removing said plant to the shore of Lake Huron in Point Edward, and laying mains therefrom and otherwise improving the same, which amounts to the sum of Two Hundred and Forty Thousand Dollars, and which estimates are published in the same issues with this By-Law;

AND WHEREAS the proposed source of the water supply and works intended to be constructed have been submitted to the Provincial Board of Health for Ontario and the same has been approved and such approval has been certified under the hand of the Chairman and Secretary of the said Board;

AND WHEREAS for the payment of the said Works and improvements the said Council requires to raise the sum of Two Hundred and Forty Thousand Dollars and to do so intends by this By-Law to create a debt upon the said Corporation of Two Hundred

and



and Forty Thousand Dollars with interest thereon at the rate of five per cent. per annum, payable in thirty yearly annual instalments by the issue of debentures to the extent of Four Hundred and Sixty-Eight Thousand, Three Hundred and Seventy Dollars and Fifty Cents, being the said sum of Two Hundred and Forty Thousand Dollars and interest on the unpaid principal;

AND WHEREAS it is desirable and the Municipal Council of the said Town have determined to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of thirty years being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest computed on the unpaid principal at the rate of five per cent. per annum in respect of said debt shall be as nearly as possible equal to the amounts so payable in each of the twenty-nine other years of the said period as shown in the schedule hereinafter contained;

AND WHEREAS the whole rateable property of the Town of Sarnia according to the last revised assessment roll for said Town is the sum of \$5,031,135.00;

AND WHEREAS the present existing debt of the said Town of Sarnia secured by debentures is the sum of \$700,227.12, and no part of the said sum is in arrear;

AND WHEREAS for paying off the said principal sum of Two hundred and forty thousand dollars and interest, it will be necessary to raise in the several years hereinafter mentioned the following sums:—

Year.	Principal.	Interest.	Total.
1913 .....	\$3,612.35	\$12,000.00	\$15,612.35
1914 .....	3,792.96	11,819.89	15,612.35
1915 .....	3,982.61	11,629.74	15,612.35
1916 .....	4,181.74	11,430.61	15,612.35
1917 .....	4,390.83	11,221.52	15,612.35
1918 .....	4,610.37	11,001.98	15,612.35
1919 .....	4,840.89	10,771.46	15,612.35
1920 .....	5,082.93	10,529.42	15,612.35
1921 .....	5,337.08	10,275.27	15,612.35
1922 .....	5,603.93	10,008.42	15,612.35
1923 .....	5,884.13	9,728.22	15,612.35
1924 .....	6,178.33	9,434.02	15,612.35
1925 .....	6,487.25	9,125.10	15,612.35
1926 .....	6,811.62	8,800.73	15,612.35
1927 .....	7,152.19	8,460.16	15,612.35
1928 .....	7,509.80	8,102.55	15,612.35
1929 .....	7,885.29	7,727.06	15,612.35
1930 .....	8,279.56	7,332.79	15,612.35
1931 .....	8,693.54	6,918.81	15,612.35
1932 .....	9,128.22	6,484.13	15,612.35
1933 .....	9,584.63	6,027.72	15,612.35
1934 .....	10,063.86	5,548.49	15,612.35
1935 .....	10,567.05	5,045.30	15,612.35
1936 .....	11,095.40	4,516.95	15,612.35
1937 .....	11,650.17	3,962.18	15,612.35
1938 .....	12,232.68	3,379.67	15,612.35
1939 .....	12,844.31	2,768.04	15,612.35
1940 .....	13,486.53	2,125.82	15,612.35
1941 .....	14,160.85	1,451.50	15,612.35
1942 .....	14,868.90	743.45	15,612.35
	<hr/>	<hr/>	<hr/>
	\$240,000.00	\$228,370.50	\$468,370.50

being the aggregate amount for principal and interest to be paid in each and every year according to the statute in such case made and provided;

AND

AND WHEREAS it has been determined that no debenture shall be issued under said By-law prior to the first day of January next;

THEREFORE the Municipal Council of the Corporation of the Town of Sarnia enacts as follows:—

1. That the improvements and works referred to in the recitals hereto be undertaken and made.

2. It shall be lawful for the Mayor of said Municipality, for the purposes aforesaid, to borrow the said sum of \$240,000.00, and to issue debentures of the said Municipality to the amount of \$468,370.50 (being the total amount of said amount authorized to be borrowed as aforesaid and interest on the unpaid principal at the rate of five per cent. per annum), in sums of not less than One hundred dollars each, payable in the manner, for the amounts and at the times respectively set forth in the above recitals to this By-law.

3. The said debentures shall be payable at the office of the Treasurer of the Town of Sarnia.

4. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue, the debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the Municipality is hereby authorized and directed to attach the seal of the said Municipality to the said debentures.

5. The said debentures shall be payable on the Thirty-first day of December in each of the thirty years hereinbefore mentioned.

6. There shall be raised and levied in each year, by special rate on all the rateable property in the said Municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures as the same become respectively payable, according to the provisions of this By-law.

7. The said sum of Two hundred and forty thousand dollars shall be expended when raised for the purposes set forth in the recitals hereto.

8. No debenture to be issued under this By-law shall be so issued prior to the First day of January, 1913.

9. This By-law shall come into force and take effect immediately after the final passing thereof.

10. The votes of the ratepayers of the said Municipality qualified to vote on money By-laws shall be taken on this By-law in the several sub-divisions appointed in said Town for election purposes, and for that purpose the following persons shall be the Deputy Returning Officers and the following shall be the polling places for the taking of votes:—

Ward No. 1, Division No. 1: 234 Maxwell Street; John Hetherington, D.R.O.

Ward No. 1, Division No. 2: School House, Durand Street; Don Juan Finch, D.R.O.

Ward No. 2, Division No. 1; Fire Hall, George Street; David N. Morrison, D.R.O.

Ward No. 2, Division No. 2: 255 Mitton Street North; Robert W. Fawcett, D.R.O.

Ward No. 3, Division No. 1: 229 Front Street North (upstairs); Marshall A. Sanders, D.R.O.

Ward

Ward No. 3, Division No. 2: Council Chamber, Town Hall, Christina Street; Robt. Galloway, D.R.O.

Ward No. 3, Division No. 3: School House, Lochiel Street; John F. Elliott, D.R.O.

Ward No. 3, Division No. 4: 191 Cameron Street; George W. Marriott, D.R.O.

Ward No. 4, Division No. 1: School House, Wellington Street; John H. Dyble, D.R.O.

Ward No. 4, Division No. 2: 227, Davis Street; Dominick LaForge, D.R.O.

Ward No. 4, Division No. 3: 110 Mitton Street South; Henry Baird, D.R.O.

Ward No. 5, Division No. 1: 275 Vidal Street South; Thomas Laughlin, D.R.O.

Ward No. 5, Division No. 2: Parish Hall, St. John's Church; Frank L. Reid, D.R.O.

Ward No. 6, Division No. 1: 410 Christina Street South; Edward Blake, D.R.O.

Ward No. 6, Division No. 2: 421 Russell Street South (upstairs); Alfred Shepherd, D.R.O.

11. All such votes shall be taken on Wednesday, the Sixth day of November, A.D. 1912, at said several places named for the votes to be taken in said several subdivisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and the Clerk of said Town shall, on the Eighth day of November, A.D. 1912, at the hour of noon, in the Council Chamber in the Town Hall, in said Town, sum up the number of votes for and against the said By-law, and on the Twenty-first day of October, A.D. 1912, at the hour of noon, at the place last named, the Mayor of the said Town shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Passed provisionally and dated at the Town of Sarnia, this Eleventh day of October, A.D. 1912.

Finally passed the Fifteenth day of November, A.D. 1912.

(Sgd.) J. MCGIBBON,  
*Mayor.*

Seal.

(Sgd.) J. D. STEWART,  
*Clerk.*

## SCHEDULE "B."

### BY-LAW No. 787.

A By-law to raise the sum of Forty thousand dollars for the following purposes, namely: Thirty-two thousand dollars for the erection of a new eight-roomed Public School Building, and Eight thousand dollars to procure a site therefor.

WHEREAS the Board of Education for the Town of Sarnia has requested the Municipal Council of the Town of Sarnia to raise upon debentures and to pay over to the Board of Education the sum of Forty thousand dollars for the following purposes, namely: Thirty-

two

two thousand dollars for the erection of a new eight-roomed Public School Building in the Town of Sarnia, and Eight thousand dollars to purchase a site therefor;

AND WHEREAS it is necessary to raise the said sum of Forty thousand dollars for the purposes aforesaid;

AND WHEREAS the Municipal Council of the said Town has determined that the debentures to be issued in the raising of said sum to be raised under this By-law shall be payable by annual instalments within thirty years from the First day of January next, such instalments to be of such amounts that the aggregate amount payable for principal and interest, computed on the unpaid principal at the rate of five per cent. per annum, shall be the same in each of the said thirty years;

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assesment roll amounts to \$5,031,135.00;

AND WHEREAS the amount of the whole rateable property of the Municipality subject to be charged with rates or assessments for the support or maintenance of public schools or for the purchase of lands for the erection of buildings for public school purposes, according to the last revised assessment roll, amounts to \$4,577,045.00;

AND WHEREAS the existing debenture debt of the said Municipality amounts to \$700,227.12, and there is no principal or interest in arrear;

AND WHEREAS for paying off the said principal sum of Forty thousand dollars and interest it will be necessary to raise, in the several years hereinafter mentioned, the following sums, that is to say:—

Year.	Principal.	Interest.	Total.
1913 .....	\$602.05	\$2,000.00	\$2,602.05
1914 .....	632.16	1,969.89	2,602.05
1915 .....	663.77	1,938.28	2,602.05
1916 .....	696.95	1,905.10	2,602.05
1917 .....	731.80	1,870.25	2,602.05
1918 .....	768.40	1,833.65	2,602.05
1919 .....	806.82	1,795.23	2,602.05
1920 .....	847.16	1,754.89	2,602.05
1921 .....	889.51	1,712.54	2,602.05
1922 .....	933.99	1,668.06	2,602.05
1923 .....	980.69	1,621.36	2,602.05
1924 .....	1,029.72	1,572.33	2,602.05
1925 .....	1,081.21	1,520.84	2,602.05
1926 .....	1,135.27	1,466.78	2,602.05
1927 .....	1,192.03	1,410.02	2,602.05
1928 .....	1,251.63	1,350.42	2,602.05
1929 .....	1,314.21	1,287.84	2,602.05
1930 .....	1,379.93	1,222.12	2,602.05
1931 .....	1,448.92	1,153.13	2,602.05
1932 .....	1,521.37	1,080.68	2,602.05
1933 .....	1,597.44	1,004.61	2,602.05
1934 .....	1,677.31	924.74	2,602.05
1935 .....	1,761.18	840.87	2,602.05
1936 .....	1,849.24	752.81	2,602.05
1937 .....	1,941.69	660.36	2,602.05
1938 .....	2,038.78	563.27	2,602.05
1939 .....	2,140.72	461.33	2,602.05
1940 .....	2,247.76	354.29	2,602.05
1941 .....	2,360.14	241.91	2,602.05
1942 .....	2,478.15	123.90	2,602.05
	<hr/>	<hr/>	<hr/>
	\$40,000.00	\$38,061.50	\$78,061.50
			being

being the aggregate amount for principal and interest to be paid in each and every year, according to the Statute in such case made and provided;

THEREFORE the Municipal Council of the Corporation of the Town of Sarnia enacts as follows:—

1. It shall be lawful for the Mayor of the said Municipality, for the purposes aforesaid, to borrow the said sum of Forty thousand dollars, and to issue debentures of the said Municipality to the amount of Seventy-eight thousand and sixty-one dollars and fifty cents (\$78,061.50) (being the total amount of said amount authorized to be borrowed as aforesaid, and interest on the unpaid principal at the rate of five per cent. per annum), in sums of not less than One hundred dollars each, payable in the manner, for the amounts and at the times respectively set forth in the above recitals to this By-law.

2. The said debentures shall be payable at the office of the Treasurer of the Town of Sarnia.

3. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and instructed to sign and issue the debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said Municipality, and the Clerk of the Municipality is hereby authorized and directed to attach the seal of the said Municipality to the said debentures.

4. The said debentures shall be payable on the Thirty-first day of December in each of the years of said thirty years hereinbefore mentioned.

5. There shall be raised and levied in each year, by a special rate on all the rateable property in the said Municipality subject to be charged with rates or assessments for the support or maintenance of Public Schools, or for the purchase of lands, or the erection of buildings for Public School purposes, a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same becomes respectively payable according to the provisions of this By-law.

6. No debenture shall be issued under this By-law prior to the First day of January, 1913.

7. This By-law shall take effect on the day of the final passing thereof.

Finally passed this Twenty-ninth day of October, A.D. 1912.

(Seal.) (Sgd.) JOHN MCGIBBON,  
Mayor.

(Sgd.) J. D. STEWART,  
Clerk.

## CHAPTER 122.

## An Act respecting the City of Sault Ste. Marie.

*Assented to 6th May, 1913.*

## Preamble

**W**HEREAS the Municipal Corporation of the City of Sault Ste. Marie, hereinafter called the Corporation, has by petition represented that the By-laws specified in Schedule "A" hereto, have, where required by law, been submitted to and approved by the qualified ratepayers, and it is desirable that the said By-laws and the debentures issued or to be issued thereunder should be validated and confirmed, and the said Municipal Council should have authority to levy a sum not exceeding \$7,500.00 in each year for publicity purposes and the industrial advancement of the City, and that By-law No. 704 and the Agreement referred to therein, set out as Schedule "B" hereto, made between the said Corporation and The Sault Ste. Marie Dry Dock & Shipbuilding Company, Limited, dated December 30th, 1912, be legalized and confirmed. And whereas the Corporation has prayed that an Act may be passed for the above purposes; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain debentures, by laws confirmed.

**1.**—The By-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made, and rates levied or to be levied for the payment of the said debentures, are confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Authority to raise \$7,500 annually for publicity purposes.

**2.**—The Council of the said Corporation may raise and levy upon the whole rateable property of the said Corporation in each year a sum not exceeding \$7,500.00 for publicity purposes and for the industrial advancement of the City.

3.—By-law No. 704 of the said City and the Agreement between the Corporation and The Sault Ste. Marie Dry Dock & Shipbuilding Company, Limited, referred to therein, set out in Schedule "B" hereto, are confirmed and declared to be legal, valid and binding on the said The Sault Ste. Marie Dry Dock & Shipbuilding Company, Limited, and the Corporation of the City of Sault Ste. Marie and the rate-payers thereof, and the Corporation is authorized to do all acts, matters and things necessary to carry out the terms of the said By-law and Agreement.

4.—This Act may be cited as *The City of Sault Ste. Marie Act, 1913.* Short title.

#### SCHEDULE "A."

By-law No. 658 to provide for the issue of debentures to raise the sum of \$30,000.00 to be expended in making alterations and additions to the "King Edward" School on Schreiber Street and the "Alexander Muir" School on Kohler Street in the town of Sault Ste. Marie.

By-law No. 668 to raise the sum of \$7,500.00 to be expended in the purchase of certain lands in the Town of Sault Ste. Marie known as "Bellevue Lodge Park," for the purposes of a public park.

By-law No. 673 to provide for the issue of debentures to raise the sum of \$10,000.00 to be expended in the purchase of land and the erection of a Fire Hall on the North side of Central Park Avenue in the Town of Sault Ste. Marie.

By-law No. 694 to provide for the issue of debentures to raise the sum of \$5,750.00 to be used in purchasing lots Nos. six to twelve, inclusive, in the Hill Top Subdivision, in the City of Sault Ste. Marie, for the purpose of enlarging the site of the High School in the said City.

By-law No. 695 to provide for the issue of debentures to raise the sum of \$17,175.00 to be expended in completing alterations and additions to the "King Edward" School on Schreiber Street, and the "Alexander Muir" School on Kohler Street.

By-law No. 697 to authorize the issue of debentures to raise the sum of \$62,500.00 to provide for the erection and equipment of the Central Public School on Albert Street in the City of Sault Ste. Marie.

By-law No. 702 to provide for the borrowing of \$27,828.31 upon debentures, to pay for the construction of granolithic walks constructed in 1911.

By-law No. 710 to authorize the issue of debentures to raise the sum of \$10,000.00 to be expended in the construction of concrete culverts across Fort Creek and Queen Street in the City of Sault Ste. Marie.

By-law No. 711 to provide for the issue of debentures to raise the sum of \$13,000.00 to be expended in the construction and extension of sewer outlets on Gore Street, Brock Street, Pin Street, and Woodward Avenue, in the City of Sault Ste. Marie.

By-law



By-law No. 713 to provide for the issue of debentures to raise the sum of \$15,000.00 to be expended in the purchase and erection of an Incinerator for the disposal of garbage and other refuse in the City of Sault Ste. Marie.

By-law No. 717 to authorize the issue of debentures to raise the sum of \$47,225.06 for sewers constructed in 1911.

By-law No. 718 to authorize the issue of debentures to raise the sum of \$60,344.28 for sewers constructed in 1912.

By-law No. 719 to authorize the issue of debentures to raise the sum of \$25,713.19 for cement walks constructed in 1912.

By-law No. 720 to authorize the issue of debentures to raise the sum of \$4,631.30 for house sewer connections constructed in 1912.

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#### SCHEDULE "B."

This agreement made in duplicate this 30th day of December, A.D. 1912,

Between

The Corporation of the City of Sault Ste. Marie hereinafter called "The Corporation" of the first part;

and

The Sault Ste. Marie Dry Dock and Ship Building Company, Limited, hereinafter called "The Dock Company," of the second part;

Whereas by agreement bearing date the 8th day of February, 1909, made between the Corporation of the One Part and one John O'Boyle of the other part, it was agreed that the said O'Boyle by himself or by a Company, firm or syndicate to be formed by him, should erect a drydock located at some suitable point within the limits of the Corporation of the capacity and dimensions and subject to the terms, stipulations and conditions in said agreement set forth;

And whereas the said O'Boyle duly caused and procured a Company to be incorporated for the purposes aforesaid;

And whereas the said agreement dated 8th February, 1909, further provided for the time for the commencement and completion of the said dry dock as in said agreement set out.

And whereas the said agreement further provided that the Corporation should grant to the Dock Company by way of aid the sum of five thousand (\$5,000.00) dollars annually for a period of twenty (20) years;

And whereas the said agreement further provided that the first annual payment of five thousand dollars should not become due or payable until the Dock Company should have expended at least One hundred thousand (\$100,000.00) dollars on the proposed work, and the second annual payment of Five thousand dollars should not become due or payable until the Dry Dock should have been completed ready for operation;

And whereas the said agreement further provided that during the period of twenty (20) years during which the said annual sum of five thousand dollars should be payable as aforesaid, the Dock

Company

Company should expend in connection with their works, undertaking and operations in every successive three-year period, commencing with the 1st day of January, 1910, an average of at least sixty thousand (\$60,000.00) dollars per annum.

And whereas the said agreement further provided that the Corporation should exempt all property of the Dock Company as in said agreement more particularly set forth, from all Municipal rates, taxes and assessments, including frontage tax, but saving and excepting only school taxes, for a period of twenty (20) years from the first day of January, 1910.

And whereas the Corporation duly passed its By-law No. 585 authorizing the execution of said agreement dated 8th February, 1909, by the Corporation.

And whereas the said By-law and agreement were duly ratified and confirmed by the Legislative Assembly of the Province of Ontario by Chapter 121 of the Statutes 9 Edw. VII.

And whereas the said agreement further provided that upon the filing by the said O'Boyle of an assignment from him to a Company provided for by said agreement, of all his interest in and rights and benefits under the said agreement, with the clerk of the Corporation, such Company should immediately become entitled to and have conferred upon it all the rights, benefits, conditions, powers, moneys immunities and privileges provided by said agreement and said By-law.

And whereas the said O'Boyle did duly assign said agreement to the Dock Company and the Dock Company is now entitled to all the rights, benefits, conditions, powers, moneys, immunities and privileges provided by the said agreement and By-law.

And whereas by agreement dated 6th day of May, 1912, the Corporation did extend the time to the Dock Company for the completion by it of the said Dry Dock, upon the terms and conditions in said agreement set out.

And whereas the Dock Company has applied to the Corporation to waive any default that may have occurred on the part of the Dock Company under the provision of the said agreements, dated 8th February, 1909 and 6th May, 1912, or either of them, and to further vary and amend the terms and conditions of the said agreements dated 8th February, 1909 and 6th May, 1912 in the manner hereinafter set forth, and the Corporation has agreed so to do.

Now therefore this agreement witnesseth that pursuant to the said agreements and in consideration of the premises and of the covenants hereinafter reserved and contained on the part of the respective parties hereto the said parties have mutually covenanted, promised and agreed and do hereby mutually covenant, promise and agree each to and with the other of them in manner following, that is to say:—

1. The Dock Company is hereby declared and admitted to be entitled to all the rights, benefits, conditions, powers, moneys, immunities and privileges provided and conferred by the said agreement dated 8th February, 1909, and the said agreement dated 6th May, 1912, upon the said O'Boyle and upon the said Company.

2. Section 5 of the said agreement dated 8th February, 1909, as amended by Section 2 of the said agreement dated 6th May, 1912, is hereby further changed and amended so that the same shall read as follows:—The Corporation shall pay to the Dock Company by way of aid to the construction and establishment of said Dry Dock the sum of twenty-five hundred (\$2,500.00) dollars semi-annually for a period of twenty (20) years in forty (40) equal semi-annual payments to become due and payable on the first days of July and January in each and every year, the first of such payments to be-

come

come due and payable on the first day of July, 1914, and the last of such payments to become due and payable on the 1st day of January, 1934, subject to the provisions and conditions hereinafter contained; provided always that the first payment of twenty-five hundred (\$2500.00) dollars shall not become due or payable until said Dock Company shall have expended at least One hundred thousand (\$100,000.00) dollars on the proposed work and the said second payment of twenty-five hundred (\$2,500.00) dollars which shall become due and payable on the 1st January, 1915, shall not become due and payable until the Dry Dock in said agreement set out shall have been duly completed ready for operation, provided, however, that the Dock Company shall be entitled to the benefits of the said agreements dated 8th February, 1909 and 6th May, 1912 respectively and of this agreement on the further condition that the Dock Company shall carry on its operations on lands within the limits of the said Corporation, said lands to have an area not exceeding one hundred and fifty (150) acres in extent and to be in one parcel, and any lands so owned or used by it outside said parcel shall be liable to assessment by the Corporation as fully and effectually as if the agreements of 8th February, 1909 and of 6th May, 1912, and this agreement had not been entered into.

3. The Dock Company will complete the construction of said Dry Dock and have the same ready for operation on or before the 1st day of October, 1914, and will commence actual bona fide construction of the said Dry Dock on or before the 30th day of April, 1913, and will continuously carry on the construction of said Dry Dock after the commencement of construction thereof as aforesaid, and in default of the completion thereof as aforesaid, or of the commencement of actual bona fide construction as aforesaid or of the carrying on continuously of construction of said Dry Dock as aforesaid, this agreement and the extension of time for completion of the said Dry Dock hereinbefore granted, shall be null and void and of no effect; provided, however, that accidents in and to the works of the Dock Company, labor strikes or other circumstances beyond the control of the Company, resulting in the temporary closing down of the works of the Dock Company, shall not be deemed or taken to be a breach or default on the part of the Dock Company of or under the terms of this agreement.

4. The period of exemption from taxation of the property of the Company from taxes other than school taxes as fixed by said paragraph 8 of said agreement is hereby varied and amended to a period of twenty (20) years from the first day of January, 1914.

5. The period mentioned in paragraph 9 of said agreement dated 8th February, 1909, is hereby altered and amended so that the same shall read for the year 1914 and the next following nineteen (19) years.

6. This agreement shall be read and construed with said agreements dated 8th February, 1909 and 6th May, 1912, and save as herein expressly varied or altered the said agreements dated 8th February, 1909 and 6th May, 1912, and every clause, article and thing in said agreements contained, is hereby admitted and declared to be in full force and effect and valid and binding in all respects on the parties hereto.

7. The Corporation shall forthwith pass a By-law authorizing the execution of this agreement and amending and altering its said By-law No. 585 and its By-law No. 678 in accordance with the amendments and alterations hereinbefore provided in respect to the said agreements dated 8th February, 1909 and 6th May, 1912.

8. Should the Dock Company well and faithfully perform all covenants and agreements reserved and contained in the said agreements dated 8th February, 1909, and 6th May, 1912, respectively, as amended and altered by this agreement, then in such case the Corporation shall waive all its rights to repayment of the expenses

expenses incurred by it in connection with the said agreement dated 8th February, 1909, and said By-law number 585 and the Legislation obtained by the Corporation validating said last mentioned agreement and By-law and shall and will in such case release and discharge the Dock Company from all liability in connection therewith, but should the construction of said Dry Dock not be commenced on or before 30th April, 1913, the Dock Company hereby agrees to re-pay to the Corporation all expenses incurred by it in connection with the said agreement dated 8th February, 1909, and said By-law number 585 and the legislation validating same, together with interest thereon at the rate of 5 % per annum computed from the date at which said expense was incurred by the Corporation.

9 It is distinctly understood and agreed that this agreement is conditional upon and shall only go into force and effect if the Dock Company shall actually bona fide commence or cause to be commenced the construction of said dry dock on or before 30th April, 1913.

10. This agreement shall enure to the benefit of and include and be binding upon the successors and assigns of the Corporation and the Dock Company respectively.

In witness whereof the parties hereto have duly executed these presents.

Signed, sealed and delivered in the presence of

JNO. A. MCPHAIL.

P. T. ROWLAND.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE.

W. H. MUNRO,  
Mayor.

C. J. PRIM,  
Clerk

THE SAULT STE. MARIE DRY DOCK AND SHIPBUILDING CO.,  
LTD.

D. CHAS. CASORETTY,  
President.

W. E. BROWN,  
Secretary.

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BY-LAW No. 704.

OF THE CITY OF SAULT STE. MARIE.

A By-law to amend By-law No. 678 amending By-law No. 585 to authorize the execution of two certain agreements between the Corporation of the City of Sault Ste. Marie and The Sault Ste. Marie Dry Dock & Shipbuilding Company, Limited.

WHEREAS by Agreement bearing date February 8th, 1909, between the Corporation of the Town of Sault Ste. Marie and one John O'Boyle, the said John O'Boyle did agree by himself or by a company, firm or syndicate, to erect a Dry Dock within the limits of the said Corporation in accordance with certain plans, specifications, terms and conditions therein set forth.

AND WHEREAS the said The Sault Ste. Marie Dry Dock and Shipbuilding Co., Ltd., was thereafter incorporated, and the said John O'Boyle assigned his interest in the said Agreement to the said The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd.

AND

AND WHEREAS the said Corporation duly passed By-law No. 585 authorizing the execution of the said Agreement between the said John O'Boyle and the said Corporation, which By-law and Agreement were duly ratified and confirmed by the Legislative Assembly of the Province of Ontario by Ontario Statute 9 Edward VII, Chapter 121.

AND WHEREAS by Agreement dated May 6th, 1912, the said Corporation did agree to extend the time for the commencement and completion of the said Dry Dock and to otherwise amend and alter the terms of the original Agreement and By-law No. 678 of the said Corporation was passed on May 6th, 1912, authorizing the execution of the said Agreement amending the original Agreement.

AND WHEREAS no steps, have been taken under the original agreement or the agreement amending same, to commence the construction or operation of the said Dry Dock, and the said The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., has applied to the said Corporation to waive any default that might have occurred on the part of the said The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., and to vary and amend the terms and conditions of the said original agreement and the agreements amending same in the manner set forth in two certain agreements of even date herewith and made between the said Corporation and The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., and the said Corporation has agreed so to do.

NOW THEREFORE the Corporation of the City of Sault Ste. Marie enacts as follows:—

1. That the Mayor and Clerk of the City of Sault Ste. Marie are hereby authorized and empowered to execute on behalf of the Corporation two certain agreements of even date herewith made between the said Corporation of the City of Sault Ste. Marie and The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., and By-law No. 585 of the said Corporation, authorizing the execution of a certain agreement between the said Corporation and one John O'Boyle and the agreement referred to therein and By-law No. 678 of the said Corporation authorizing the execution of two certain agreements between the said Corporation and the said The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., amending and altering the said original agreement, and referred to by said amending By-law are hereby varied and amended in accordance with the terms of the two said agreements of even date herewith, made between the said Corporation and The Sault Ste. Marie Dry Dock & Shipbuilding Co., Ltd., and the time for the commencement of the said operations is hereby fixed at a date not later than April 30th, 1913; and the time for completion thereof is hereby fixed at a date not later than October 1st, 1914, and the time for the payment of the yearly bonus provided in said agreement is hereby extended for a period of Twenty (20) years from the First day of July, 1914, the said payments to be made half-yearly on the First day of January and July in each year during the currency hereof, subject to the terms and conditions as set out in the said agreements of even date herewith, the execution of which is hereby authorized.

2. This By-law shall come into force and take effect on, from and after the final passing thereof.

READ a first, second and third time and finally passed in open Council this 30th day of December, 1912.

W. H. MUNRO, Mayor.

C. J. PRIM, Clerk.

(Corporate Seal.)

## CHAPTER 123.

An Act to confirm certain By-laws of the  
Town of Steelton.*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the Town of Steelton Preamble.  
has by petition represented that the Council of the  
said Corporation has passed a By-law, No. 260, providing  
for borrowing \$15,500.00 upon debentures, to pay for the  
construction as a local improvement, of a pavement on  
Wellington Street from the easterly limit of North Street  
to the Canadian Pacific Railway and of private drain con-  
nections put in as part of the work; that a Court of Re-  
vision has been held and special rates have been duly set-  
tled, that doubts have arisen respecting the validity of  
the said By-law No. 260 and of the debentures to be issued  
thereunder; that the Council has also passed By-law No. 242  
providing for borrowing \$9,000.00 upon debentures to pay  
for certain lands to be used as public parks; and By-law No.  
244 providing for borrowing \$7,000.00 upon debentures to  
pay for a site and the erection thereon of a public school  
house; and whereas the said Corporation has by its petition  
prayed that the said By-law No. 260 and the rates thereby  
imposed and the debentures issued or to be issued there-  
under may be confirmed and declared to be legal and valid;  
and that by-laws Nos. 242 and 244 and the debentures is-  
sued thereunder may also be confirmed and declared to be  
legal and valid; and whereas it is expedient to grant the  
prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Onta-  
rio, enacts as follows:—

1. By-law No. 260 of the Municipal Council of the Cor-  
poration of the Town of Steelton intituled By-law No. 260  
of the Corporation of the Town of Steelton to provide for  
borrowing \$15,500.00 upon debentures to pay for the con-  
struction of a pavement and the necessary private sewer  
connections therewith on Wellington Street from the Eas-  
terly

By-law  
No. 260  
confirmed.

terly limit of North Street to the Canadian Pacific Railway, as set forth in the Schedule hereto, and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of Steelton and the ratepayers thereof and upon the lands upon which the said rates are thereby imposed.

By-law  
No. 242  
confirmed.

2. By-law No. 242 of the Municipal Council of the Corporation of the Town of Steelton intituled "By-law No. 242 of the Town of Steelton, to raise by way of loan the sum of \$9,000.00 for the purpose of acquiring and improving certain lands to be used as public parks and to provide for the repaying of the same and interest thereon," and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of Steelton and the ratepayers thereof.

By-law  
No. 244  
confirmed.

3. By-law No. 244 of the Municipal Council of the Corporation of the Town of Steelton intituled "A By-law to raise the sum of \$7,000.00 for the purpose of purchasing a site therefor, erecting a School-house and equipping the same in the Town of Steelton in the District of Algoma and Province of Ontario," and the rates thereby imposed are hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of Steelton and the ratepayers thereof.

Confirmed  
of debentures.

4. All debentures issued or to be issued under the authority of any of the said By-laws and substantially complying with the provisions of the By-law under which the same are issued shall be legal, valid and binding upon the said Corporation and it shall not be necessary for the purchaser of any of the said debentures to inquire into the validity of the By-law under the authority of which the same are issued.

## SCHEDULE "A."

### BY-LAW NO. 260.

By-law Number 260 of the Corporation of the Town of Steelton, to provide for borrowing \$15,500.00 upon debentures to pay for the construction of a pavement and the necessary private sewer connections therewith on Wellington Street from the Easterly limit of North Street to the Canadian Pacific Railway.

WHEREAS pursuant to Construction By-law Number 1, passed on the 10th day of August, 1911, a Macadamized pavement has been constructed on Wellington Street from the Easterly limit of North Street to the tracks of the Canadian Pacific Railway as a local improvement under the provisions of "The Local Improvement Sections of the Municipal Act."

AND



AND WHEREAS pursuant to said construction By-law Number 1, and Section 4, of "The Local Improvement Sections of the Municipal Act," certain private sewer connections have been made from the sewer on the said street to the street line on both sides of the street connecting the sewer with the land abutting thereon.

AND WHEREAS the total cost of the said pavement is \$14,480.00 of which \$7,240.00 is the Corporation's portion of the cost and \$7,240 is the Owners' portion of the cost.

AND WHEREAS the total cost of the said private sewer connections is \$1,020.00 which is specially assessed on the lands in connection with which they were effected pursuant to said Section 4, of "The Local Improvement Sections of the Municipal Act."

AND WHEREAS the total amount of the Owner's portion (including the \$1,020.00 required for private sewer connections) is \$8,260.00 for which a special assessment roll has been duly made and certified.

AND WHEREAS the estimated lifetime of the work is ten (10) years ;

AND WHEREAS it is necessary to borrow the said sum of \$15,500.00 on the credit of the corporation and to issue debentures therefor payable within ten (10) years from the time of the issue thereof and bearing interest at the rate of five per cent. (5%) per annum which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it will be necessary to raise annually \$1,321.22 for the payment of the debt and \$775.00 for the payment of the interest thereon, making in all \$2,096.22, to be raised annually for the payment of the debt and interest of which \$979.14 is required to pay the Corporation's portion of the cost and interest thereon, and \$1,117.08 is required to pay the owner's portion of the cost and interest thereon.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised Assessment Roll is \$2,458,426.00.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of Local Improvement debts secured by special rates or assessments) is \$200,109.36, and no part of the principal or interest is in arrear.

THEREFORE the Municipal Council of the Corporation of the Town of Steelton enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$15,500.00 and debentures will be issued therefor in sums of not less than Five Hundred Dollars (\$500.00) each, which shall have coupons attached for the payment of the interest.

2. The debentures shall all bear the same date, and shall be issued within two (2) years after the date upon which the by-law is passed, and may bear any date within such two years, and shall be payable within ten (10) years after the time when the same are issued.

3. The debentures shall bear interest at the rate of five per cent. (5%) per annum, payable half-yearly, and as to both principal and interest may be expressed in Canadian currency or Sterling money of Great Britain at the rate of One Pound Sterling for each \$4.86½c., and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. During the ten years currency of the debentures \$1,321.22 shall be raised annually to form a sinking fund for the payment of the debt and \$775.00 shall be raised annually for the payment of the interest thereon, making in all \$2,096.22 to be raised annually for the payment of the debt and interest as follows:—

The sum of \$979.14 shall be raised annually for the payment of the Corporation's portion of the cost and the interest thereon and shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on the rateable property in the Municipality at the same time and in the same manner as other rates.

For the payment of the Owner's portion of the cost and of the interest thereon the Special Assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set out; which said Special Assessment with a sum sufficient to cover the interest thereon at the rate aforesaid shall be payable in ten (10) equal annual instalments of \$1,117.08 each, and for that purpose special annual rates per foot frontage set forth in Schedule "A" hereto attached are hereby imposed upon the lands entered into said Special Assessment Roll according to the assessed frontage thereof over and above all other rates and taxes and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. All money arising from the said Special Rates or from the commutation thereof not immediately required for the payment of interest shall be invested as required by law.

7. The debentures may contain any clause providing for the registration thereof authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

8. The amount of the loan authorized by this By-law may be consolidated with the amount of any loans authorized by other local improvement By-laws by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan and the issue of debentures for such loan in one consecutive issue pursuant to the provisions of the statute in that behalf.

9. This By-law shall take effect upon the date of the final passing thereof.

Passed this 28th day of January, 1913.

JAS. LYONS,  
Mayor.

(Seal.)

J. ROBINSON,  
Clerk.

## SCHEDULE "A."

ATTACHED TO DEBENTURE BY-LAW No. 260.

Lots abutting upon the work.

Name of Owner. Street.	Lot Assessed.	No. of ft. As- sessed.	Total Cost per ft. frontage with which each lot is assessed.	Amt. to be paid annually to pay debt and interest.	Annual rate per ft. frontage.
Wellington South—					
C. P. Railway		75'	\$4.20	\$31.50	42
Wicklam, T.	P.L. 24	34'	5.83	19.82	58.3
Smiley, Lloyd S.	P.L. 24	45'	5.20	23.40	52
Stoneas, R. G.	P.L. 24	50'	5.09	25.45	50.9
Brown, Street:					
A. McLean, Mgr.,					
Can. Bank Com.	10	26'	5.84	15.18	58.4
" " "	9	26'	5.81	15.11	58.1
Dr. Mahon	8	26'	5.80	15.11	58.1
Thos. Wickham	7	45'	6.08	27.36	60.8
Lane:					
Dom. Per. Loan Co.	6	40'	4.20	16.80	42
Jno. Armstrong	5	29'	5.70	16.53	57
Jno. Armstrong	4	22'	6.11	13.44	61.1
Algoma Realty Co.	45	8'	4.20	3.36	42
Gloucester St.:					
Scott Misner	P.L. 33	50'	5.00	23.00	50
Sam. Clarke	P.L. 32, 33	70'	4.78	33.46	47.8
Lane:					
Archie Stewart	3	30'	5.53	16.59	55.3
Geo. Walker	2	25'	5.78	14.45	57.8
Mrs. W. Gundy	1	25'	5.85	14.63	58.5
H. Prosser	24	30'	4.20	12.60	42
R. H. Davis	23	30'	5.42	16.26	54.2
Dr. J. Lane	22	30'	5.53	16.59	55.3
Mary Everett	21	30'	5.69	17.07	56.9
Geo. Kewley	20	70'	5.46	38.22	54.6
Lane:					
Jas. F. Shaw	19	68' 1"	4.20	28.60	42
Wellington North—					
C. P. R.		75'	4.20	31.50	42
Edinburgh St.:					
Dr. Bromley	P.L. 54	50'	5.09	25.45	50.9
Ed. Kelly	P.L. 54	50'	4.20	21.00	42
Dr. T. McQuaid	P.L. 54	40'	5.32	21.28	53.2
Jno. Ward	P.L. 54	30'	4.20	12.60	42
Wm. Scott	55	40'	5.32	21.28	53.2
Wm. Scott	56	40'	4.20	16.80	42
Scott Misner	57	40'	5.32	21.28	53.2
Dr. McQuaid	58	40'	4.20	16.80	42
Jno. Wolotka	59	40'	5.28	21.12	52.8
Robt. Stoness	60	40'	4.20	16.80	42
Chas. Fresch	61	40'	4.20	16.80	42
W. A. Simpson	62	40'	6.38	25.52	63.8
J. Huston	63	40'	5.32	21.28	53.2
E. C. Wilcox	64	40'	4.20	16.80	42
J. F. Kitchen	11	30'	4.20	12.60	42
Jno. Biggings	10	30'	5.58	16.74	55.8

Name

Name of Owner. Street.	Lot Assessed.	No. of ft. Assessed.	Total Cost per ft. frontage with which each lot is assessed.	Amt. to be paid annually to pay debt and interest.	Annual rate per ft. frontage.
J. F. McKay	9	30'	4.20	12.60	42
J. F. Kitchen	8	30'	4.20	12.60	42
Uriah McFadden	68	40'	5.32	21.28	53.2
Moses McFadden	69	40'	5.30	21.20	53
Geo. Kewley	70	40'	4.20	16.80	42
Geo. Carufel	71	40'	4.20	16.80	42
Emile Johnson	72	40'	4.20	16.80	42
J. H. D. Everett	73	85'	4.73	40.21	47.3

## Exempt Lots. Payable by Corporation.

## Wellington South—

Wm. F. South					
C. P. Ry.		58	4.20	24.36	42
Thos. Wickham	P.L. 24	11	4.20	4.62	42
Lloyd S. Smiley	P.L. 24	13.5	4.20	5.67	42
Robt. Stoness	P.L. 24	27.3	4.20	11.47	42
A. McLean, Mgr., Bank Commerce	10	6.8	4.20	2.85	42
“ “	9	6.7	4.20	2.81	42
Dr. Mahon	8	6.8	4.20	2.85	42
Thos. Wickham	7	12.4	4.20	5.21	42
Dom. Per. Loan Co.	6	26.1	4.20	10.96	42
Jno. Armstrong	5	16	4.20	6.72	42
Jno. Armstrong	4	13	4.20	5.46	42
Scott Misner	P.L. 83	15	4.20	6.30	42
Sam. Clarke	P.L. 32, 33	19.6	4.20	8.23	42
Archie Stewart	3	17.9	4.20	7.52	42
Geo. Kewley	20	27.9	4.20	11.72	42

## Wellington North—

C. P. Ry.		58	4.20	24.36	42	
Dr. Bromley	P.L. 54	35	4.20	14.70	42	
J. H. D. Everett		73	32.5	4.20	13.65	42

Lots not abutting upon the work.

(None.)

## CHAPTER 124.

## An Act respecting The City of Toronto

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Toronto, has **Preamble.**  
 by Petition prayed for special legislation in respect of the several matters hereinafter set forth: and whereas the said Corporation and R. Home Smith entered into a certain agreement, dated the 29th day of November, 1912, set forth in Schedule "A" hereto; and whereas it is desirable to confirm the said agreement and to authorize the Corporation to expend the sum of \$25,000 annually for five years, and to enable the parties to do all acts necessary to carry out the provisions of the said agreement; and whereas the said Corporation on the 1st day of August, 1912, entered into a certain agreement with Trinity College, set forth in Schedule "B" hereto; and whereas it is desirable to authorize the said Corporation to raise the sum of \$625,000 for the purchase of the lands referred to in the said agreement, without the assent of the ratepayers qualified to vote on by-laws for the creation of debts; and whereas the said Corporation has asked for authority to issue debentures to the amount of \$1,145,096.24 to cover the cost of certain works and improvements of an urgent and necessary character; and whereas to enable the said Corporation more readily and profitably to dispose of debentures, it is desirable that the by-laws specified in Schedules "C" and "D" should be confirmed; and whereas the by-laws specified in Schedule "C" have been submitted to and approved of by the ratepayers; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.**—(1) The agreement, dated the 29th day of November, 1912, made between the said Corporation and R. Home Smith and set forth as Schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the parties thereto, Agreement between said corporation and R. Home Smith confirmed.

thereto, and the said parties are hereby authorized to do all acts necessary to carry out the provisions thereof.

Authority  
to spend  
\$25,000 an-  
nually for  
five years  
in improv-  
ing prop-  
erty ac-  
quired.

(2) The said Corporation may expend the sum of \$25,000 annually for five years out of the current revenue of the City upon a plan of park improvements in connection with the property to be acquired by the City under the said agreement.

(3) The said Corporation may by by-law restrict the use of the land referred to in the said agreement to residential purposes, except that shops may be permitted upon certain streets, and factories, which use electric power only, upon certain portions of the said lands, to be defined by by-law.

Grant of  
\$10,000 to  
the Indus-  
trial  
Refuge.

2. The Council of the said City may make a grant of \$10,000 to the Industrial Refuge to assist in the erection of a new laundry building in connection therewith, and a grant of \$5,000 to the Haven and Prison Gate Mission towards the cost of erecting and equipping a new laundry.

Agreement  
between  
Corporation  
and Trinity  
College  
confirmed.

3.—(1) The agreement, dated the 1st day of August, 1912, between the said Corporation and Trinity College, and set forth as Schedule "B" hereto, is confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are authorized to do all acts necessary to carry out the provisions thereof.

Authority  
to borrow  
\$625,000 for  
purchasing  
lands of  
Trinity  
College.

(2) The said Corporation may, without the assent of the ratepayers qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws for the issue of "City of Toronto Consolidated Loan Debentures," to raise the sum of \$625,000 for the purchase of the lands referred to in the said agreement.

Power to  
borrow  
\$1,145,096.24  
for certain  
purposes.

4. The Council of the said Corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures," to raise the sum of \$1,145,096.24 for the following purposes:

\$230,000 for  
36 inch water  
main to  
High Level  
Pumping  
Station, etc

(1) To construct a 36 inch water main along certain streets leading from the corner of College and Beverley Streets to the High Level Pumping Station and Rosedale Reservoir, \$230,000.

\$300,000 for  
public  
slaughter-  
house.

(2) To construct a public slaughter-house and to improve the cattle market, \$350,000.

\$53,015.07  
for lands  
for cattle  
market.

(3) To pay for certain lands to be annexed to the Western Cattle Market, \$53,015.07.

- (4) To defray the cost of laying out, paving and improvement of roads on the Exhibition Grounds in the said City, \$90,000.
- (5) To defray the cost of erecting buildings for an Old Folks' Home on the Industrial Farm lands, \$30,000.
- (6) To defray the balance of cost of 36-inch water main from Main Pumping Station to Front Street and along Front Street to Simcoe Street and from Wellington Street along John Street, Grange Avenue and Beverley Street to College Street, \$17,081.17.
- (7) To defray additional expenditure on account of Main Drainage Works and cost of issuing debentures, \$375,000.

5. The by-laws of the said Corporation specified in Schedule "C" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof, are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

6. The said Corporation may operate on Sundays the street car lines owned and operated by it within the said City.

7. Section 5 of Chapter 74 of the Acts passed by the Legislature of the Province of Ontario in the fifty-second year of the reign of Her late Majesty Queen Victoria, as amended by section 2 of an Act passed by the said Legislature in the fifty-eighth year of the reign of Her said late Majesty, Chaptered 89, is amended by striking out the word "four" in the last line of the said section and by inserting the words "four and one-half" in lieu thereof; and the said amendment is to apply at the option of Council of the said Corporation of the said City to any by-laws passed during the year 1912 under the said Act, or in any previous year, if the debentures thereunder have not issued, or to any debentures issued or to be issued thereunder, and the said Council may amend such by-laws passed during the year 1912, or in previous years, whether submitted to the rate-payers or not, by making the rate of interest four and one-half per centum instead of four per centum, and by reducing the amount of debentures to be issued under such by-laws.

8. The by-laws of the said Corporation specified in Schedule "D" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof, are validated and confirmed, and the said Corporation is declared to have had power to pass, issue and levy the same.

SCHEDULE



## SCHEDULE "A."

## AGREEMENT BETWEEN R. HOME SMITH AND CITY OF TORONTO.

*Re* HUMBER RIVER BOULEVARD AND DRIVE.

THIS AGREEMENT made the twenty-ninth day of November, A.D. 1912.

BETWEEN: R. HOME SMITH, of the City of Toronto, in the County of York, Manager (hereinafter called "Home Smith"), of the first part, and

THE CORPORATION OF THE CITY OF TORONTO (hereinafter called "the City"), of the second part:

WHEREAS Home Smith has made a proposition to the City, looking to the acquisition by the City for the purposes of a park system of large tracts of lands in and about the Humber River, west of the City of Toronto, and looking to the creation of a driveway, parkway and boulevard through the Humber Valley, from the Lake Shore Road to Dundas Street, and to the general development of the district in question in harmony with the plan for said park system, driveway, parkway and boulevard, and in a manner generally advantageous to the City, which proposition the City has deemed it in the interest of the City to accept;

AND WHEREAS the City has determined that it is desirable and necessary that a portion of the property north of Bloor Street and west of the Belt Line right-of-way, known as the Kennedy property, and being that portion of said Kennedy property shown approximately as colored red on the map or plan hereto annexed and marked "A," and the property on the south side of Queen Street and north of the Grand Trunk Railway right-of-way, known as the Watson property, comprising twelve acres, more or less, and being the property shown colored red on the map or plan hereto annexed and marked "A," should be expropriated by the City for park purposes, and has commenced proceedings for the expropriation of said properties under its powers in that behalf;

AND WHEREAS the City has further determined that it is desirable and necessary that there should be annexed to the City of Toronto, so that the same may thereafter form part of the City of Toronto for all municipal purposes, the territory to the west of the City of Toronto, being all that part of York Township west of the City of Toronto and south of the right-of-way of the Toronto and Niagara Power Company, also the bed of the Humber River, and such part of the Township of Etobicoke as may hereafter be agreed upon by the City and Home Smith, and of which the rate-payers may petition to be annexed to the City;

AND WHEREAS these presents are entered into for the purpose of defining and giving effect to the agreement arrived at by the parties in the premises and providing for the better carrying out of the same;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual agreements herein contained, the parties hereto mutually agree as follows:

1. Home Smith will grant and convey, or procure to be granted and conveyed to the City, in fee simple, the lands in the Humber Valley, comprising about one hundred and five acres, which are shown colored green on the maps or plans hereto annexed, marked "B," "C," "D" and "E," and the following lands:

(a) An allowance for a road from Queen Street to Bloor Street one hundred feet wide, which allowance for road is shown upon  
said

said map or plan hereto annexed, and marked "A" and colored brown;

(b) Two strips of land adjoining Bloor Street, and sufficient to widen Bloor Street to a width of one hundred feet for the length of said strips, which last mentioned strips of land are shown on the map or plan hereto annexed, and marked "A" and colored brown.

The City will not use or permit the use of the said lands mentioned under letters (a) and (b) of this paragraph otherwise than for the purpose of public highways.

Provided always, that the City shall have three months from the date of this agreement in which to search the title to the properties in this paragraph mentioned, and shall be deemed to have accepted the title thereto after the said three months, subject only to any objections thereto which the City shall have made and notified in writing to Home Smith within said three months. If the City shall, within said three months, make any objections to title which Home Smith shall be unable or unwilling to remove and which the City shall not be willing to waive, this agreement, notwithstanding intermediate negotiations, shall be cancelled and at an end, and neither party shall be under any liability to the other for damages or otherwise in respect of anything done or agreed to be done under this agreement.

2. The City will take all proper steps to bring about the annexation of the said territory defined in the recital hereto as speedily as possible, and the legislation to be applied for, as hereinafter provided, shall contain a proper section or sections annexing said territory to the City of Toronto, or declaring that said territory has been duly annexed to and forms part of the City of Toronto, as the circumstances may require.

3. The City will duly and promptly carry on to completion the proceedings for the expropriation for park purposes of the said properties known as the Kennedy and Watson properties, and if deemed necessary or advisable the legislation to be applied for as hereinafter provided shall contain a proper section or sections validating and giving effect to the expropriation proceedings, or such other section or sections, as may be necessary or proper to vest said properties in or enable the same to be acquired by the City for park purposes as aforesaid.

4. The City will, in the year one thousand nine hundred and thirteen, expend the sum of twenty-five thousand dollars, and a further sum of twenty-five thousand dollars in each of the four years thereafter (the total expenditure to which the City binds itself by this clause being the sum of one hundred and twenty-five thousand dollars), upon a plan of park improvements in connection with this property, to be prepared and agreed upon by the said Home Smith, the Commissioner of Works and the Park Commissioner of Toronto.

5. Home Smith will support, when desired, any application for any legislation, Order-in-Council, Crown grant, authority or consent, which, in the opinion of the Corporation Counsel of the City, may be necessary to enable the City to construct the said improvements, and Home Smith will pay one-half the cost of any such application for such legislation and for legislation validating this agreement.

6. The City will either at once or in sections from time to time, as Home Smith, the City Parks Commissioner and the City Engineer may desire, construct and thereafter maintain a trespass proof fence between the said park areas, consisting of said lands shown colored green on said maps or plans marked "B," "C," "D" and "E,"

"E," hereto annexed, and said Kennedy and Watson properties, and the lands adjoining the same. It is understood and agreed that this fence shall be a woven-wire fence, to be approved of by the City Engineer and the Park Commissioner and Home Smith, with an additional line of wire along the top attached to the posts, and an extension arm from the top of each post carrying two additional lines or strands of wire; and further, that the City shall not be bound to expend in the construction of said fence a larger sum than ten thousand dollars.

7. The City will make such openings, gateways and gates in said fence as may be agreed upon by the said Parks Commissioner, the City Engineer and Home Smith.

8. Home Smith may, until the first of January, 1916, quarry and remove stone from the bed of the Humber River throughout its length and breadth, from the present Bloor Street bridge to Dundas Street, including the stone contained in the dyke situate in the Humber River immediately south of Dundas Street, and he may pile any of the stone above mentioned upon the City property adjoining the Humber River until January 1st, 1916, after which time he shall remove same, and Home Smith shall have access at all convenient places through the City property to said river for the purposes of exercising the privileges given him by this paragraph, but such privileges shall not prevent the City from using stone from the bed of the river for the purpose of developing the park and building the driveway and bridges.

9. The City will pass a By-law or By-laws restricting the use of the said area to be annexed to residential purposes, except that shops shall be permitted on Dundas Street, Lambton Road, Jane Street, Bloor Street, Baby Point Road, Church Street, and a new street to be laid out from the end of Bloor Street, in the Township of York, in a north-westerly direction through the Township of Etobicoke, to a point near the intersection of Church and Dundas Streets, and in such other places as the City may choose, and except that factories which shall use electric power only, and shall create no smoke or other nuisance, shall be permitted in the district east of the Belt Line right-of-way and south of College Street or Grenadier Road.

The City will apply for the legislation, if any, necessary to enable it to carry out the terms of this clause.

10. The City will not, except as in this agreement expressly provided, use or permit the use of the said park areas, comprising said lands shown colored green on said maps or plans hereto annexed, and said Kennedy and Watson properties, otherwise than as a pleasure driveway, parkway, boulevard or for park purposes.

11. The City may construct such electrical installations, including poles and wires, as are necessary for the lighting of the park areas, but except as aforesaid during a period of ten years from the date hereof before the City commences or permits to be commenced within the said park areas any of the said improvements, full surveys, profiles, plans and designs thereof, approved of by the said Home Smith, Parks Commissioner and City Engineer, will be prepared and submitted to the City Council for its approval.

12. The City will not, for a period of ten years from the date of this agreement, without the approval of the Parks Commissioner and Home Smith, previously obtained in each case, cut down or remove any live trees from the said park area other than such as it may be necessary to cut down or remove to make possible the said improvements.

13. Whenever any consent or approval of Home Smith or authorization by him is necessary under the terms hereof, such

approval

approval or consent or authorization may be given by any substitute appointed by Home Smith in writing for the purpose, and when so given shall be as effectual as if given by Home Smith personally. Any such substitute may be appointed to exercise all the rights of Home Smith in respect of such consents, approvals and authorizations, or such of said rights as by the appointment may be defined, and the appointment may be revocable or irrevocable, and may be for such time as may be specified therein, or terminable at the will of Home Smith. No consent or approval or authority given under the terms of this agreement shall extend further than is expressed by the document embodying the same, and whenever any change in anything to be done under this agreement by the City is agreed upon as aforesaid, such thing shall thereafter be done with the change agreed upon as if the same, as so changed, had been originally agreed to be done under this agreement.

14. The benefits of this agreement shall enure to the heirs, executors, administrators and assigns of Home Smith, and the right and power to give any consent or approval or authority which Home Smith might give if living, or to appoint any substitute to give such consent or approval or authority, shall enure and extend to the heirs, executors and administrators of Home Smith.

15. The City will apply for and use its best efforts to obtain legislation generally validating this agreement, and any further legislation not hereinbefore particularly provided for, which may be necessary to enable the City to carry all the provisions of this agreement into full effect.

WITNESS the hand and seal of R. Home Smith, Esquire, and the Corporate Seal of the City by the hands of Horatio Clarence Hocken, Esquire, Mayor, and John Patterson, Esquire, Deputy Treasurer, the day and year first above written.

SIGNED, SEALED AND  
DELIVERED

In the presence of:  
M. T. Morgan.

R. Home Smith. (Seal.)

H. C. Hocken, Mayor. (Seal of City  
of Toronto.)

John Patterson,  
Deputy Treasurer.

#### SCHEDULE "B."

AGREEMENT between TRINITY COLLEGE and CITY OF TORONTO, for purchase of Trinity College property by the City.

THIS AGREEMENT made this First day of August, in the year of our Lord on thousand nine hundred and twelve,

BETWEEN TRINITY COLLEGE (hereinafter referred to as the "College"), as Vendor, of the first part;

THE CORPORATION OF THE CITY OF TORONTO (hereinafter referred to as the "City"), as Purchaser, of the second part; and

THOMAS CLARK STREET MACKLEM, Provost of Trinity College, acting as Trustee for the Board of Endowment of the said Trinity College, of the third part.

WHEREAS the City is desirous of acquiring the lands hereinafter described for park purposes, and the College (acting with the consent of the party of the Third Part, in whom part of the lands are vested) has agreed to sell the said lands to the City for

such

such purposes upon the terms and subject to the conditions herein-after set forth;

NOW THIS INDENTURE WITNESSETH that the College agrees to sell, and the City agrees to purchase, ALL AND SINGULAR those certain parcels or tracts of land and premises being portions of Park Lots Twenty-two and Twenty-three in the First Concession from the Bay in the Township of York, not in the City of Toronto, and including therein certain lands now shown on one or more registered plans as the same are more particularly identified and shown within the pink shading on surveyor's plan made by Speight & Van Nostrand, O.L.S., which plan is dated the Eleventh day of March, one thousand nine hundred and twelve, a blue print copy of which is intended to be annexed hereto, containing 31.0696 acres of land, as certified by Speight & Van Nostrand, without any representation or covenant for title in respect of such part of any of the said lands as are included within such limits and at present occupied by the College, but are not included in the various registered conveyances of parts of the said lands to the College or to Trustees for the College, or to the party of the Third Part, under which along the College claims title, nor to the portion marked "formerly Maitland Street" on said plan; reserving, however, out of the said lands as the property of the College the building only of the Chapel, as now erected and standing thereon, and reserving also the Chancellor's Chair annexed to Convocation Hall and the Queen Street Entrance Gates and Pillars as given to Trinity College, and three historic stones over main entrance and at two ends of main building, to be replaced by others, with right to the College to remove all of such reserved property at any time prior to the First day of August, one thousand nine hundred and seventeen, and reserving also to the College the right of occupancy as herein-after set forth, at or for the purchase price or sum of Six hundred and twenty-five thousand dollars (\$625,000), payable as follows: Ten thousand dollars is paid in cash to the Solicitor for the College at the time of execution hereof, as a deposit; the further sum of Forty thousand dollars on the Fifteenth day of August, 1912; One hundred thousand dollars on the First day of August, 1913; and the balance in equal consecutive annual payments of Fifty thousand dollars each on the First day of August in each of the years 1914, 1915 and 1916, and any unpaid balance on the First day of August, 1917, with right to the City to increase such annual payments by any amount it may choose in multiples of One thousand dollars, together with interest at the rate of Five per cent. per annum upon all of the said purchase money from time to time unpaid, payable half-yearly upon the First days of February and August in each year, with interest at the same rate upon all instalments of purchase money and interest in arrears and unpaid, the first payment of interest (reckoned from the First day of August, 1912) to be made on the First day of February, 1913.

PROVIDED that the City, upon the balance of purchase money being reduced to \$500,000, shall be entitled to a conveyance of the said lands upon giving back to the College a first Mortgage securing the balance of purchase money upon the terms above set out, such Mortgage to be prepared by the Solicitor for the College, with such special clauses with regard to Power of Sale, Insurance and other matters as are usually included in the lending form of Mortgage used by the Solicitor for the College. The City to prepare the Deed, which is to contain Trustee covenants only, and is to reserve to the College a proper Vendor's lien for such portion of the purchase money as may from time to time remain unpaid and owing by the said City.

THE SAID LAND and premises are sold subject to any easement or easements which the City may heretofore have acquired or have the right to acquire over any part of the said lands, the City hereby expressly waiving any right to require repayment of any moneys heretofore paid to the College in respect of such easement or ease-

ments,

ments, and the College expressly disclaiming any right to require further payments in respect thereof, although such has heretofore been claimed from the City.

THE CITY assumes all local improvement taxes from the First day of August, 1912, from which date interest is to run on the deferred payments of purchase money other than the cash payment of \$40,000, and the existing insurance is to be adjusted as of the same date, the City agreeing to maintain during the occupancy of the College and further till payment in full at least an equal amount of insurance in the same companies, or other companies approved by the College, with loss under all policies made payable to the College until all the purchase money hereunder has been paid, with right to the College to renew such insurances and collect the premiums from the City upon default on the City's part in respect thereof, the College to contribute one-half the premiums during occupancy by the College.

THE SALE AND PURCHASE is to be closed on or before the Fifteenth day of August, 1912, and if not closed by that date the unpaid balance of cash payment, to wit, \$40,000, is to carry interest at the rate of Five per cent. from that date until actually paid.

THE CITY covenants with the College to pay the instalments of purchase money and interest when and as the same fall due and payable as above, and to indemnify the College from payment of local improvement taxes or other rates payable to the City from the First day of August, 1912.

THE CITY further covenants with the College to apply for and use its best endeavors to obtain legislation at the next session of the Legislature of Ontario validating and confirming this Agreement, and the By-law passed by the City Council authorizing this Agreement and empowering the City to incur the indebtedness hereby incurred, and to make the payments hereby called for without submitting the said By-law for the approval of the rate-payers of the City ordinarily entitled to vote on money By-laws, the College undertaking to co-operate (if necessary) with the City in applying for such legislation.

AS PART OF THE CONSIDERATION for this sale it is understood and agreed that the College shall retain exclusive possession during a period of five years of all the buildings as now erected and standing upon the lands herein described, to wit, until the First day of August, 1917, or until such earlier time as the College may decide to vacate the whole or any portion thereof, together with such portions of the grounds (including especially the terrace in front and to the west of the main building of Trinity College) as are necessary for the reasonable enjoyment and occupation of the said buildings, and in addition the College is to be further entitled to the exclusive use and occupation of the playing fields, hockey rink, tennis courts and other recreation grounds intended to be shown marked off in purple upon the said surveyor's plan of the 11th day of March, 1912, the occupation of said recreation grounds and playing fields being exclusive only from the First day of September in each year until the 15th day of May in the following year.

SUBJECT to the rights of occupation as above reserved to the College, the City shall, upon payment in full of the cash payment of Fifty thousand dollars, have the right to enter upon and use and enjoy the remainder of the lands hereby agreed to be sold as a park for the inhabitants of the City of Toronto, but the said lands are to be used for no other purpose whatever until after the right of occupation of the College shall have terminated.

AND IT IS HEREBY AGREED that if the payments of purchase money and interest herein agreed to be made, or any part thereof, shall be in arrear and unpaid for the space of one month after the

same

same falls due, the College may at its option, without forfeiting its other rights and remedies, terminate and cancel this agreement by giving the City one month's notice of its intention so to do, and at the expiration of one month after the serving of said notice this agreement shall, if the default shall not sooner have been made good, be null and void, and all moneys theretofore paid shall be absolutely forfeited to the College as and for liquidated damages.

THE COLLEGE shall not be required to furnish or produce for any purpose whatever any abstract of title or copy thereof, any deeds or evidences of title, or any copies of the same other than those in possession of the College.

THE CITY is to be allowed ten days from this date to investigate the title at the City's own expense. If within that time the City shall furnish in writing to the College Solicitor, Mr. N. F. Davidson, K.C., any valid objection to the title which the College shall be unable or unwilling to remove, the College may withdraw from and rescind this contract, and the College shall then return the deposit without interest. If no such objection shall have been furnished within the time limited the City shall be deemed to have accepted the title.

TIME is made strictly of the essence of this contract.

THIS AGREEMENT shall inure to the benefit of and shall be binding upon the successors and assigns of both the College and the City.

IN WITNESS WHEREOF the Corporate Seal of Trinity College has been hereto affixed by the hand of its Vice-Chancellor, and the City of Toronto has hereunto affixed its Corporate Seal and the hand of George Reginald Geary, Esquire, Mayor, countersigned by John Patterson, Esquire, Deputy-Treasurer of the said City, and the party of the third part has hereunto set his hand and seal.

WITNESS,

As to execution by the party of the third part.

N. FERRAR DAVIDSON.

(City Seal.)

G. R. GEARY.  
*Mayor.*

JOHN PATTERSON.  
*Deputy Treasurer.*

(The Corporate Seal of Trinity College.)

T. C. S. MACKLEM.  
*Vice-Chancellor.*

(Seal.)

T. C. S. MACKLEM.  
*Trustee.*



## SCHEDULE "C."

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total Cost of Work.	Period of Payment.	Rate of Interest.
				Years.	
6323	General Consolidated Loan Debentures for the purpose of making a grant to the Hospital for Sick Children to aid in building operations . . . . .	January 27th, 1913	\$250,000 00	35	4%
6324	General Consolidated Loan Debentures for the purpose of constructing storm overflow sewers . . . . .	January 27th, 1913	954,000 00	35½	4%
6325	General Consolidated Loan Debentures for the purpose of the improvement of main roads or highways leading into the City of Toronto . . . . .	January 27th, 1913	100,000 00	5½	4%
6326	General Consolidated Loan Debentures for the purpose of erecting a Garbage and Refuse Disposal Plant . . . . .	January 27th, 1913	1,000,000 00	19½	4%
6327	General Consolidated Loan Debentures for the extension of Bloor Street to Danforth Avenue, and for the construction of a viaduct thereon . . . . .	January 27th, 1913	2,500,000 00	35½	4%
6328	General Consolidated Loan Debentures for the purpose of making a grant to the National Sanitarium Association . . . . .	January 27th, 1913	200,000 00	35½	4%
6343	General Consolidated Loan Debentures for the purpose of making an addition to the Water Works Filtration Plant, and to construct new Conduit and Pumping Station . . . . .	January 29th, 1913	1,375,000 00	35½	4%
6344	General Consolidated Loan Debentures for the purpose of making additions to and extending the Water Works Pumping and Distribution Plant . . . . .	January 29th, 1913	6,677,000 00	35½	4%

## SCHEDULE "D."

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment. Years.	Rate of Interest.
5930	General Consolidated Loan Debentures for the purpose of constructing, reconstructing and enlarging certain public schools and purchasing and enlarging school sites .....	Feb. 5th, 1912	\$515,464 00	\$515,464 00	.....	36½	4%
5931	General Consolidated Loan Debentures for the cost of a subway under the tracks of the Grand Trunk Railway Co. at Coxwell Avenue .....	Feb. 5th, 1912	113,402 00	113,402 00	.....	36½	4%
5932	General Consolidated Loan Debentures for the purpose of reconstructing and enlarging certain High Schools .....	Feb. 5th, 1912	103,093 00	103,093 00	.....	36½	4%
5999	General Consolidated Loan Debentures for the purpose of purchasing parks and playgrounds .....	April 1st, 1912	171,800 00	171,800 00	.....	36	4%
6000	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1911 .. .	April 1st, 1912	329,891 03	99,701 92	230,189 16	10	4%
6001	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt block pavements constructed in the year 1911 .....	April 1st, 1912	88,639 47	26,519 93	62,119 54	10	4%
6002	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1911 .....	April 1st, 1912	143,052 76	34,029 83	109,022 93	10	4%

## SCHEDULE "D."—Continued.

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate- payers.	Period of payment. Years.	Rate of Interest.
6003	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1911 .....	April 1st, 1912	9,811 58	3,202 91	6,608 67	10	4%
6004	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick block pavements constructed in the year 1911 .....	April 1st, 1912	49,248 67	14,968 95	34,279 72	10	4%
6005	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1911 .....	April 1st, 1912	156,910 91	26,084 84	130,826 07	10	4%
6006	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1911 .....	April 1st, 1912	267 17	45 80	221 37	3	4%
6007	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1911 .....	April 1st, 1912	20,576 29	4,099 45	16,476 84	10	4%
6008	Local Improvement Debentures to defray the ratepayers' share of the cost of grading certain streets in the year 1911 ..	April 1st, 1912	21,132 11	903 89	20,228 22	5	4%
6009	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1911 ..	April 1st, 1912	80,200 01	3,096 42	77,103 59	10	4%

## SCHEDULE "D."—Continued.

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment in years.	Rate of Interest.
6010	Local Improvement Debentures to defray the ratepayers' share of the cost of a system of sewers in that portion of the City known as Bracondale, constructed in the year 1911 ....	April 1st, 1912	105,448 98	32,685 38	72,763 60	10	4%
6011	Local Improvement Debentures to defray the ratepayers' share of the cost of a system of sewers in that portion of the City known as the High Park District, constructed in the year 1911 .....	April 1st, 1912	54,844 77	12,109 07	42,735 70	10	4%
6012	Local Improvement Debentures to defray the ratepayers' share of the cost of a system of sewers constructed in the year 1911, as local improvements, and known as the Prust Avenue systems of sewers, in the Eastern portion of the City.	April 1st, 1912	3,433 60	.....	3,433 60	10	4%
6013	Local Improvement Debentures to defray the ratepayers' share of the cost of a system of sewers constructed in the year 1911, as local improvements, in the North-west portion of the City and known as the Main Street system of sewers..	April 1st, 1912	31,811 64	2,908 11	28,903 53	10	4%
6014	Granite Block Pavement on portion of lane first East of Church Street, between Front Street and Esplanade Street..	April 1st, 1912	2,723 53	834 94	1,888 59	10	4%
6015	Macadam Pavement, with concrete curbing and brick gutters, on Russell Hill Road, between Poplar Plains Road and Clarendon Avenue .....	April 1st, 1912	9,305 01	1,286 71	8,018 30	5	4%

## SCHEDULE "D."—Continued.

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment. Years.	Rate of Interest.
6016	Extension of Ashdale Avenue southerly from its former south terminus to Queen Street .....	April 1st, 1912	3,850 82	.....	3,850 82	10	4%
6017	Widening of Salisbury Avenue, between Metcalfe Street and a point distant 143 feet easterly therefrom .....	April 1st, 1912	163 54	.....	163 54	5	4%
6018	Extension of Pinehurst Avenue, from its former Western terminus at Wheeler Avenue to Lee Avenue .....	April 1st, 1912	1,606 03	.....	1,606 03	10	4%
6019	Widening of Chelsea Avenue, from a point about 380 feet west of Dundas Street westerly to Barrett Avenue .....	April 1st, 1912	2,153 22	560 10	1,593 12	10	4%
6024	Local Improvement Debentures to defray the ratepayers' share of the cost of grading certain streets in the year 1911..	Apr. 15th, 1912	6,736 03	72 00	6,664 03	5	4%
6025	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1911 .....	Apr. 15th, 1912	28,704 05	3,870 05	24,834 00	10	4%
6026	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1911 ..	Apr. 15th, 1912	30,884 10	320 00	30,564 10	10	4%
6040	Extension of Temperance Street from its former terminus westerly to Sheppard Street.....	Apr. 29th, 1912	30,840 62	15,420 31	15,420 31	20	4%

## SCHEDULE "D."—Continued.

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment. Years.	Rate of Interest.
6047	Local Improvement Debentures consolidating the City's portion of the amounts named in certain Local Improvement By-laws . . . . .	May 13th, 1912	282,720 61	282,720 61	.....	various	4%
6048	Local Improvement Debentures consolidating broken amounts, being the ratepayers' share named in certain Local Improvement By-laws . . . . .	May 13th, 1912	929,515 38	.....	929,515 38	various	4%
6049	Local Improvement Debentures to pay for the construction of certain bitulithic pavements . . . . .	May 13th, 1912	41,708 57	12,778 57	28,930 00	10	4%
6050	Local Improvement Debentures to pay for the construction of certain asphalt pavements . . . . .	May 13th, 1912	53,413 49	15,705 50	37,707 99	10	4%
6051	Local Improvement Debentures to pay for the construction of certain concrete pavements . . . . .	May 13th, 1912	2,580 22	1,047 63	1,532 59	10	4%
6052	Local Improvement Debentures to pay for the construction of certain concrete curbs . . . . .	May 13th, 1912	6,097 11	1,551 23	4,545 88	10	4%
6053	Local Improvement Debentures to pay for the construction of certain sewers . . . . .	May 13th, 1912	42,421 16	11,854 27	30,566 89	10	4%
6077	Local Improvement Debentures to pay for the construction of certain concrete sidewalks . . . . .	May 27th, 1912	130,460 72	17,716 06	112,744 66	10	4%

## SCHEDULE "D."—Continued.

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment. Years.	Rate of Interest.
6078	Local Improvement Debentures to pay for the construction of certain plank sidewalks .....	May 27th, 1912	847 97	75 06	772 91	3	4%
6079	Local Improvement Debentures to pay for the grading of certain streets .....	May 27th, 1912	6,340 21	1,301 03	5,039 18	5	4%
6080	Local Improvement Debentures to pay for the construction of a brick block pavement on Paton Road, from Symington Avenue to the tracks of the Grand Trunk Railway Company..	May 28th, 1912	5,930 40	2,102 86	3,827 54	10	4%
6081	Local Improvement Debentures to pay for the construction of a concrete sidewalk on the north side of the north branch of Trinity Square .....	May 28th, 1912	62 76	62 76	.....	10	4%
6082	Local Improvement Debentures to pay for the opening of a lane and the construction of a sidewalk thereon between Curzon Street and Jones Avenue .....	May 28th, 1912	647 45	323 73	323 72	10	4%
6083	Local Improvement Debentures to pay for the grading of Herbert Avenue from Queen Street to the north end .....	May 28th, 1912	333 99	36 39	297 60	5	4%
6098	General Consolidated Loan Debentures for constructing certain special sewers in the City of Toronto .....	June 10th, 1912	149,100 00	149,100 00	.....	36	4%
6120	Local Improvement Debentures consolidating the sums authorized to be borrowed by certain local Improvement laws into one sum .....	by July 8th, 1912	6,674 20	6,674 20	.....	5	4%



## SCHEDULE "D."—Continued.

No of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	Amount to be borne by City.	Amount to be borne by Rate- payers.	Period of payment. Years.	Rate of Interest
6121	Local Improvement Debentures consolidating the sums authorized to be borrowed by certain local improvement by-laws into one sum .....	July 8th, 1912	283,321 88	283,321 88	.....	10	4%
6247	General Consolidated Loan Debentures for purchasing sites for certain Fire Halls and erecting buildings thereon, and for erecting stable and storehouse at the Adelaide Street Fire Hall .....	Oct. 30th, 1912	177,260 00	177,260 00	.....	36	4%
6259	General Consolidated Loan Debentures for constructing certain new bridges, in the City of Toronto .....	Nov. 11th, 1912	358,239 00	358,239 00	.....	36	4%
6277	General Consolidated Loan Debentures for the purpose of purchasing a site for a new Registry Office .....	Nov. 25th, 1912	200,000 00	200,000 00	.....	35½	4%
6278	General Consolidated Loan Debentures for the purpose of constructing, reconstructing and enlarging certain schools and purchasing and enlarging school sites .....	Nov. 25th, 1912	1,928,969 00	1,928,969 00	.....	36	4%
6287	General Consolidated Loan Debentures to pay for expenditures in connection with the completion of the repairs to and in the extension of the Water Works intake pipe .....	Dec. 2nd, 1912	226,809 00	226,809 00	.....	35½	4%

## CHAPTER 125.

## An Act respecting the City of Toronto

*Assented to 6th May, 1913.*

**W**HEREAS the Corporation of the City of Toronto has presented its Petition praying for the passing of an Act to enable the Corporation to acquire by purchase all the rights and interests of the Toronto Railway Company in the street railway system now operated by that Company in the City of Toronto, and also all the rights and interests of all other companies and persons owning or operating electric or street railways within the City, in those parts of their railways lying within the City, and such parts of them lying outside the City, as it may be deemed necessary to acquire, and praying also that the petitioners be authorized and empowered to borrow such sum as may be necessary to enable it to make such purchases; and whereas it is expedient to grant the prayer of such petition;

Preamble.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Subject to subsection 2, the Council of the Corporation of the City of Toronto may, by by-law, passed with the assent of the electors qualified to vote on money by-laws under *The Municipal Act* provide for the purchase by the Corporation, on such terms and conditions as may be agreed on between the Corporation and the owners thereof, the following properties:—

Power to purchase property and franchises of Toronto Railway Co.

- (a) The rights and interests of the Toronto Railway Company in the street railway system in the City of Toronto now operated by that Company, and in the lease from the Corporation of the City of Toronto to George Washington Kiely, of the City of Toronto, Esquire, William Mackenzie of the City of Toronto, Contractor; Henry Azariah Everett, of the City of Cleveland, in the

State of Ohio, Secretary of the East Cleveland Railway Company (Electrical) and Chauncey Clark Woodworth, of the City of Rochester, in the State of New York, Esquire, bearing date the first day of September, 1891, under which such street railway system is operated, and all property, real and personal, belonging to the Company, including all franchises, rights and privileges which it now has or may enjoy respecting the construction, maintenance and operation of street railways in the City of Toronto;

(b) The rights and interests of all companies and persons owning or operating electric or street railways within the City of Toronto, in those parts of their railways lying within the City, and such parts of them lying outside the City as the Corporation may deem it expedient to purchase; including rights and properties real and personal held or used in connection therewith;

(2) No agreement or by-law providing for the purchase of the assets, rights and franchises of any of the companies mentioned or described in subsection 1, shall be submitted to the electors for their assent, until it is approved of by the Hydro-Electric Power Commission of Ontario, and also by the Lieutenant-Governor in Council.

(3) The by-law submitted to the electors under the provisions of this section shall contain a synopsis of the proposed agreement of purchase, in which shall be stated the property to be purchased, the price to be paid for it, and the terms of payment.

Power to  
borrow  
money  
without  
assent of  
electors.

2. For the purpose of providing for such purchase, the Corporation may borrow such sum or sums as may be required, and may issue debentures therefor payable within not more than forty years from the time of issue thereof, and bearing such rate of interest as to the Corporation may seem proper; and it shall not be necessary that any by-law or by-laws passed in connection therewith be submitted to the electors for their assent, or that their assent shall be given thereto.

Mortgage  
on proper-  
ties to  
secure  
money  
borrowed.

3. The Corporation may secure any money borrowed by it under the authority of this Act by a mortgage or charge upon all electric and street railways owned by the Corporation, including those purchased under the authority of this Act, and all property used in connection with such electric

and

and street railways and the income and revenues derived therefrom. Such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient.

4. The Companies and persons mentioned or described in subsection 1 of section 1 may agree to sell and may sell and convey to the Corporation the property and rights belonging to them respectively which by that section the Corporation is authorized to purchase. Companies authorized to sell.

5. From and after any such purchase, the Corporation shall have and may exercise all the rights, powers and privileges which were possessed, or might have been exercised by the Company or person from whom the purchase shall have been made, and also all rights, powers and privileges which the Corporation would possess and might exercise if the work had been undertaken and had been constructed by the Corporation. Right of city to exercise powers of company.

6.—(1) The control and management of any electric or street railway, or part of an electric or street railway, acquired by the Corporation under the authority of this Act shall be entrusted to a Commission to be appointed by the Council of the City of Toronto to consist of three members, and to hold office for such term as the Council may by by-law determine, but no member of the Council shall be a member of the Commission. Establishment of Commission to manage street railway

(2) Except as provided by subsection 1. *The Public Utilities Act* shall apply to the Commission. Application of 3-4 Geo. V. c. 41.

7. Any debt incurred under the authority of this Act shall not be counted as part of the general debenture debt of the Corporation. Debenture debt.

## CHAPTER 126.

## An Act respecting the Town of Wallaceburg.

*Assented to 6th May, 1918.*

Preamble

**W**HEREAS the municipal corporation of the Town of Wallaceburg has by Petition represented that the said Town has now a population of about four thousand and that it is in the interest of the public health that a waterworks system and a sewerage system should be constructed without delay; that the proposed By-law No. 288 set out as Schedule "A" hereto for the purpose of borrowing \$130,000 for the construction of a waterworks and sewerage system has been read a first and second time and is to be submitted to the electors on the second day of June next; and whereas owing to the restrictions placed on the borrowing powers of the said Corporation by the *Act respecting the Town of Wallaceburg* passed in the 6th year of His late Majesty's reign, Chaptered 101, it is necessary that the by-law should be confirmed so as to give the said Corporation power to borrow the said amount, if the assent of the electors is obtained thereto; that By-law No. 177 set out as Schedule "B" hereto to exempt from taxation, except for school purposes, the property of the Wallaceburg Brass and Iron Manufacturing Company for 10 years was submitted to the ratepayers on the second day of January, 1911, when out of 502 persons entitled to vote, 248 voted for the by-law and 112 against; and whereas it is desirable that this By-law also should be confirmed; and whereas the said Corporation has prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said Petition;

THHEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the Act passed in the 6th year of His late Majesty's reign, Chaptered 101 the municipal corporation of the Town of Wallaceburg may finally pass by-law 288 set out as Schedule "A" hereto, after the same has been submitted to and approved of by the qualified electors as provided by the said By-law, and when such by-law has been so approved of and finally passed by the council it and the debentures to be issued thereunder when issued shall be legal, valid and binding on the said corporation and the ratepayers thereof.

By-law  
No. 288  
confirmed.

#### SCHEDULE "A."

##### By-Law No. 288.

A By-law to provide for the expenditure of \$130,000.00 in the construction of a Waterworks and Sewage System for the Town of Wallaceburg and to authorize the issue of debentures of the said Town of Wallaceburg to the amount of \$130,000.00 for the purpose of raising the said sum of \$130,000.00

Whereas the total cost of such Waterworks and Sewage System for the said Town of Wallaceburg will be \$130,000.00, and it is desirable to borrow that sum on the credit of the Corporation and to issue Debentures therefor bearing interest at the rate of Five per cent. per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of Forty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$7,576.16 during the period of Forty years to pay the said yearly sums of principal and interest as they become due.

And whereas the amount of the whole rateable property of the Municipality according to the last revised Assessment Roll is \$1,050,404.00.

And whereas the amount of the existing Debenture debt of the Corporation (exclusive of the Local Improvement debts secured by special rates or assessments) is \$106,509.55, and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Wallaceburg enacts as follows:—

(1) That for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large the sum of One Hundred and Thirty Thousand Dollars (\$130,000.00) and Debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of Five per centum per annum and having coupons attached thereto for the payment of the interest.

(2) That the Debentures shall all bear the same date and shall be issued within One year after the day on which this by-law is passed and may bear any date within such year and shall be payable in Forty annual instalments during the Forty years next after  
the

the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:

No.	Interest.	Principal.	Total.
1	\$6,500 00	\$1,076 16	\$7,576 16
2	6,446 19	1,129 97	7,576 16
3	6,389 69	1,186 47	7,576 16
4	6,330 37	1,245 79	7,576 16
5	6,268 08	1,308 08	7,576 16
6	6,202 67	1,373 49	7,576 16
7	6,134 00	1,442 16	7,576 16
8	6,061 89	1,514 27	7,576 16
9	5,986 18	1,589 98	7,576 16
10	5,906 68	1,669 48	7,576 16
11	5,823 21	1,752 95	7,576 16
12	5,735 56	1,840 60	7,576 16
13	5,643 53	1,932 63	7,576 16
14	5,546 90	2,029 26	7,576 16
15	5,445 43	2,130 73	7,576 16
16	5,338 89	2,237 27	7,576 16
17	5,227 03	2,349 13	7,576 16
18	5,109 58	2,466 58	7,576 16
19	4,986 25	2,589 91	7,576 16
20	4,856 76	2,719 40	7,576 16
21	4,720 78	2,855 38	7,576 16
22	4,578 02	2,998 14	7,576 16
23	4,428 11	3,148 05	7,576 16
24	4,270 70	3,305 46	7,576 16
25	4,105 43	3,470 73	7,576 16
26	3,931 89	3,644 27	7,576 16
27	3,749 69	3,826 47	7,576 16
28	3,558 36	4,017 80	7,576 16
29	3,357 47	4,218 69	7,576 16
30	3,146 53	4,429 63	7,576 16
31	2,925 05	4,651 11	7,576 16
32	2,692 50	4,883 66	7,576 16
33	2,448 32	5,127 84	7,576 16
34	2,191 92	5,384 24	7,576 16
35	1,922 71	5,653 45	7,576 16
36	1,640 04	5,936 12	7,576 16
37	1,343 23	6,232 93	7,576 16
38	1,031 58	6,544 58	7,576 16
39	704 36	6,871 80	7,576 16
40	360 77	7,215 39	7,576 16

(3) That the Debentures as to both principal and interest may be expressed in Canadian Currency or Sterling Money of Great Britain at the rate of One Pound Sterling for each Four Dollars and Eighty-Six and Two-Thirds cents and may be payable at any place or places in Canada or Great Britain.

(4) That the Mayor of the Corporation shall sign and issue the Debentures and interest coupons and the same shall also be signed by the Treasurer of the Corporation and the Debentures shall be sealed with the Seal of the Corporation.

(5) That the sum of \$7,576.16 shall be raised annually for the payment of the cost of such Waterworks and Sewage System and interest thereon and shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality at the same time and in the same manner as other rates.

(6) That the Debentures may contain any clause providing for the registration thereof authorized by any statute relating to Municipal Debentures in force at the time of the issue thereof.

(7)



(7) That this By-law shall take effect on the day of the final passing thereof.

(8) That the votes of the Electors of the said Town shall be taken on this By-law at the following times and places, that is to say: On the 2nd day of June next, commencing at the hour of Nine o'clock in the forenoon and continuing until Five o'clock in the afternoon of the same day by the following Deputy Returning Officers:

St. James' Ward, at Harry Martin's shop. Harry Martin, Deputy Returning Officer.

St. Andrew's Ward, at the Town Hall. John Rankin, Deputy Returning Officer.

St. George's Ward, at the Fire Hall. H. E. Johnson, Deputy Returning Officer.

(9) That on Saturday, the 31st day of May, 1913, the Mayor of the said Town shall attend at the Council Chamber at 11 a.m. o'clock in the forenoon to appoint persons to attend at the various Polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

(10) That the Clerk of the Council of the said Town of Wallaceburg shall attend at his office in the Public Library Building in the said Town of Wallaceburg at Ten o'clock in the forenoon of the 3rd day of June, 1913, to sum up the number of votes for and against this By-law.

Dated at the Council Chamber at the Town of Wallaceburg, this day of March, 1913.

First Reading, 24th March, 1913.

Second Reading,

Third Reading,

Mayor.

Clerk.

## CHAPTER 127.

## An Act to Consolidate the Floating Debt of the Township of Widdifield.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Township of Widdifield, in the District of Nipissing, has by Petition represented that the said Corporation has incurred debts to the amount of \$10,000, namely, \$7,500 by way of overdraft, due the Imperial Bank of Canada, in the Town of North Bay, in connection with certain permanent improvements made in a portion of the said Township, which was annexed to the town of North Bay, after the said indebtedness to the said Bank had been contracted; also a further indebtedness to the said Bank of \$400 by way of overdraft for current expenditure; also an indebtedness to several of the School Sections in the said Township amounting to \$1,908; and that there is also a balance due by the said Township to their auditor amounting to \$192, making in all a total indebtedness of \$10,000 as hereinbefore stated; and whereas it has been made to appear that the members of the Council of the said Municipal Corporation, are unanimously in favor of the passing of an Act for the purpose of consolidating their debt, and the citizens of the said Township have had an opportunity to carefully consider the said matter, and are practically unanimous in approving of the same; and whereas the said Corporation, by its said Petition, has prayed that the said debts may be consolidated, and that the said Corporation may issue new debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said Petition:—

THEREFORE, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consolidation of floating debt.

1. The Corporation of the Township of Widdifield, may raise by way of loan on the credit of the debentures to be issued under authority of this Act, from any person or persons,

sons, or body corporate, a sufficient sum to satisfy the indebtedness of the said Corporation to the Imperial Bank of Canada, in the said Town of North Bay, together with their indebtedness to various School Sections in the said Township, and also their indebtedness to their auditor, amounting in all to \$10,000.

2. The said Corporation from time to time, may pass a <sup>Issue of debentures.</sup> by-law, or by-laws, providing for the issue of debentures under their corporate seal, signed by the Reeve of the Township, and countersigned by the Treasurer for the time being, for such sums not less than \$100 each, and not exceeding, in the aggregate, \$10,000, to be payable at such place as the Corporation may deem expedient.

3. The said Corporation may, for the purposes herein <sup>Hypotheca- tion of de-  
debentures.</sup> mentioned, raise the money by way of loan on the said debentures or sell and dispose of the said debentures from time to time, as it may deem expedient.

4. The said debentures shall be payable in not more than <sup>Term of debentures.</sup> twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

5. A portion of the \$10,000 of debentures to be issued <sup>Equal annual instalments of principal and interest.</sup> under this Act, shall be made payable each year for a period not exceeding twenty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest for each of the other years of the period within which the debt is to be discharged.

6. The said corporation shall levy, in addition to all other <sup>Special rate.</sup> rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "floating debt rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

7. The said debentures, and all moneys arising therefrom, <sup>Application of proceeds of debentures.</sup> shall be applied by the said corporation in payment of their indebtedness to the Imperial Bank of Canada, in the Town of North Bay; their indebtedness to the various School Sec-

tions in their said Township, and their indebtedness to their auditor, amounting in all to \$10,000, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

By-law not  
to be repeal-  
ed until debt  
satisfied.

**8.** Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied.

Assent of  
electors not  
required

**9.** It shall not be necessary to obtain the assent of the electors of the said Township of Widdifield to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Treasurer  
to keep  
proper books  
of account.

**10.** It shall be the duty of the treasurer, for the time being, of the said township, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said township, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Other in-  
debtedness  
not affected.

**11.** Nothing in this Act contained, shall be held or taken to discharge the Corporation of the Township of Widdifield from any indebtedness or liability which may not be included in the said debt of the said Township of Widdifield.

Forms of  
debenture  
and by-law

**12.** The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Inconsistent  
enactments  
not to  
apply.

**13.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity

irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

**14.** This Act may be cited as *The Township of Widdifield Debenture Act, 1913.* Short title.

SCHEDULE "A."

DEBENTURE.

PROVINCE OF ONTARIO, TOWNSHIP OF WIDDIFIELD.

No. .... \$....

Under and by virtue of "The Township of Widdifield Debenture Act, 1913," and By-law No. .... of the corporation of the Township of Widdifield, passed under the provisions contained in the said Act, the Corporation of the Township of Widdifield promises to pay the bearer at ..... in ..... the sum of ..... on the ..... day of ..... A.D. 19 .., and the yearly coupons hereto attached, as the same shall severally become due.

Dated at the Township of Widdifield, in the District of Nipissing, this ..... day of ..... A.D. 19 ..

.....  
Reeve.  
.....  
Treasurer.

SCHEDULE "B."

BY-LAW NO....

TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF "THE TOWNSHIP OF WIDDIFIELD DEBENTURE ACT, 1913."

WHEREAS the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$10,000, in the whole as the Corporation of the Township of Widdifield may, in pursuance of and in conformity with the provisions of the said Act, direct.

AND WHEREAS for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$10,000 payable with interest thereon at the rate of five per centum per annum, payable yearly, according to the coupons to the said debentures attached.

AND

AND WHEREAS the amount of the whole rateable property of the said Township of Widdifield, according to the last revised assessment roll of the said township, being for the year 1912, was \$208,190.

THEREFORE, the Municipal Corporation of the Township of Widdifield, enacts as follows:—

(1) Debentures under the said Act and for the purposes mentioned therein to the extent of \$10,000, are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto for the payment of interest at the rate of            per centum per annum, payable yearly on the            day of            in each year.

This by-law passed in open Council, this            day of            in the year of our Lord, 1912.

.....  
Clerk.

.....  
Reeve

## CHAPTER 128.

## An Act respecting The Bruce Mines and Algoma Railway Company.

*Assented to 6th May, 1913.*

**W**HEREAS The Bruce Mines and Algoma Railway Preamble.  
Company has by petition represented that it was incorporated by an Act passed at the second session held in the sixty-second year of the reign of Her late Majesty, Queen Victoria, chaptered 93, with power to construct a railway from a point in or near the Village of Bruce Mines in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake Copper Mines in the Townships of Plummer and Coffin in the District of Algoma, thence northerly a distance of thirty miles, passing through the Townships of McMahon and Gillmor; That it was authorized by an Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 91, to construct and operate a line of railway from Rock Lake Station on its line of railway, thence northerly and easterly by the most feasible route to a point on the main line of the Canadian Pacific Railway between Chapleau and Biscotasing Stations; that it was further authorized by an Act passed in the fifth year of the reign of His late Majesty King Edward the Seventh, chaptered 89, to construct a line of railway from a point on the main line of the Canadian Pacific Railway between Chapleau and Biscotasing, thence northerly and easterly by the most feasible route to Hannah Bay or some other point on James Bay in the Province of Ontario, and to construct branch railways, none of which should exceed twelve miles in length; that it was further authorized by an Act passed in the second year of the reign of His Majesty, King George the Fifth, chaptered 132, to bond the railway, including main and branch lines to the extent of \$35,000 per mile and the time for completion of the railway authorized by the said Acts was extended for five years; that by the above mentioned amending Acts extensions of the line of the said railway amounting to over 550 miles were authorized



ized and that the present authorized capital stock of \$300,000 is insufficient for the construction and operation of such extensions and that it should be increased to \$12,000,000; that it is desirable in the interests of the Company that its name should be changed to "The Lake Huron and Northern Ontario Railway Company," and whereas the Petitioners have prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Increase  
of capital  
stock.

**1.** The capital stock of The Bruce Mines and Algoma Railway Company is increased from \$300,000 to \$12,000,000.

Change  
of name.

**2.** The name of the said Company is hereby changed to "The Lake Huron and Northern Ontario Railway Company."

## CHAPTER 129.

An Act respecting The Buffalo and Fort Erie  
Ferry and Railway Company.*Assented to 6th May, 1913.*

**W**HEREAS The Buffalo and Fort Erie Ferry and Rail-  
way Company (hereinafter called "the Company")  
has by its Petition represented that it was incorporated  
under the name of The Fort Erie Ferry Railway Company  
by an Act passed in the 50th year of the reign of Her late  
Majesty, Queen Victoria, chaptered 76; and that the said  
Act of Incorporation has been amended by divers statutes,  
and ultimately by an Act passed in the 10th year of the reign  
of His late Majesty, King Edward VII., chaptered 138;  
that the capital stock of the Company is \$500,000, all of  
which has been issued and fully paid up; that pursuant to  
the authorities conferred upon the Company, it has created  
an issue of bonds for \$300,000, all of which are out standing;  
that the Company in addition to its line of railway, owns  
valuable properties in the Village of Fort Erie and in the  
vicinity thereof, and has made large improvements thereto;  
and that it also owns or controls the stock and assets of the  
International Ferry Company and the ferry between Buffalo  
and Fort Erie; that the Company is desirous of converting  
its line of railway into an electric railway, and of otherwise  
improving its property, and for that purpose desires to in-  
crease its capital stock, and to obtain additional powers for  
the issue of bonds; and it has prayed for an Act increasing  
its capital stock to \$1,000,000, and authorizing it to issue  
bonds, debentures or other securities to an amount not ex-  
ceeding the sum of \$600,000; and whereas it is expedient  
to grant the prayer of the said Petition;

THEREFORE His Majesty by and with the advice and  
consent of the Legislative Assembly of the Province of On-  
tario, enacts as follows:

Increase of  
capital  
stock.

**1.** The Capital Stock of the Company is increased to \$1,000,000.

Power to  
issue bonds  
and de-  
bentures.

**2.** The Company may issue bonds, debentures or other securities to an amount not exceeding \$600,000.

# CHAPTER 130.

## An Act respecting The Eastern Ontario Electric Railway Company.

*Assented to 6th May, 1913.*

**W**HEREAS The Eastern Ontario Electric Railway Com-<sup>Preamble.</sup>  
pany was incorporated by an Act passed in the ninth  
year of the reign of His late Majesty, King Edward  
the Seventh, chaptered 134 for the purpose of constructing  
and operating an Electric Railway as therein described, and  
whereas the said Company has by its petition prayed that  
the time for the commencement and completion of the said  
railway may be extended and the personnel of the Pro-  
visional Directors changed; and whereas it is expedient to  
grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of On-  
tario enacts as follows:—

1. Subject to the provisions of this Act, the said Act<sup>9 Edw. VII.  
c. 134, de-  
clared to  
be in  
force.</sup>  
passed in the 9th year of the reign of His late Majesty  
King Edward VII., chaptered 134 is declared to be, and to  
have been in force from the date of the passing thereof, not-  
withstanding any neglect or default on the part of the Com-  
pany in complying with any of the provisions of the said  
Act and anything required to be done by the said Act may  
be done after the passing of this Act.

2. Notwithstanding anything contained in *The Ontario*<sup>Time for  
commence-  
ment and  
completion  
of railway  
extended.</sup>  
*Railway Act, 1906*, the railway authorized by the said  
Act, and by this Act, shall be commenced within  
two years and completed within five years from the passing  
of this Act, and if the construction of the railway is not  
commenced and fifteen per cent. of the amount of the  
capital stock is not expended thereon within two years after  
the passing of this Act, or if the railway is not completed

and

and put in operation within five years from the passing of this Act, then the powers granted to the Company by the said Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

9 Edw. VII.  
c. 134, s. 3  
repealed.

3. Section three of the said Act, is repealed and the following substituted in lieu thereof:—

Provisional  
directors

“3. Edward C. Rendell, of the City of Mobile, in the State of Alabama, Transportation Superintendent, and Henry Hastings, C. S. Foss, George T. Taylor and George E. Smith, all of the City of Boston, in the State of Massachusetts, shall be the Provisional Directors of the company.”

## CHAPTER 131.

An Act to Incorporate The Forest Hill  
Electric Railway Company*Assented to 6th May, 1913.*

**W**HEREAS William Ernest Grierson, Capitalist; <sup>Preamble.</sup>  
Thomas James Glover, Agent; Robert Ralph Carr  
Harris, Contractor; William Thomas Rogers, Agent, and  
James Hales, Barrister, all of the City of Toronto in the  
County of York, have by their petition prayed for an Act  
of Incorporation under the name of "The Forest Hill Elec-  
tric Railway Company." for the purpose of constructing and  
maintaining a railway to be operated by electricity or  
other motive power except steam, from a point in the  
Township of York, at or near the northerly limit of the City  
of Toronto, on Forest Hill Road, in the County of York,  
thence northerly and north-westerly and northerly along For-  
est Hill Road and Bathurst Street, to a point about two and  
a half miles north of Eglinton Avenue, also westerly along  
Eglinton Avenue from a point at or near Forest Hill Road to  
a point one mile west of Dufferin Street, also northerly from  
Eglinton Avenue along Dufferin Street to a point two and  
a half miles north of Eglinton Avenue, all in the said Town-  
ship of York; with power to amalgamate with or purchase or  
lease any railway operating wholly or in part within the ter-  
ritory above described, or to acquire running rights over the  
same; and whereas it is expedient to grant the prayer of the  
said petition;

THEREFORE, His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of On-  
tario, enacts as follows:—

1. The said William Ernest Grierson, Thomas James <sup>Incorporation.</sup>  
Glover, Robert Ralph Carr Harris, William Thomas Rogers  
and James Hales and such other persons, firms and corpora-  
tions as shall hereafter become shareholders of the said com-  
pany, are constituted a body corporate and politic under  
the name of "The Forest Hill Electric Railway Company,"  
hereinafter called "the Company."

Location of  
line.

2 Geo. V.  
c. 42.

2. The Company is authorized and empowered, subject to the provisions of *The Municipal Franchises Act* to survey, lay out, construct, complete, equip and maintain a railway to be operated by electricity or other motive power except steam from a point in the Township of York at or near the northerly limit of the City of Toronto, on Forest Hill Road, in the County of York, thence northerly and north-westerly and northerly along Forest Hill Road and Bathurst Street, to a point about two and a half miles north of Eglinton Avenue, also westerly along Eglinton Avenue from a point at or near Forest Hill Road to a point one mile west of Dufferin Street, also northerly from Eglinton Avenue along Dufferin Street to a point two and a half miles north of Eglinton Avenue, all in the said Township of York.

Head  
office

3. The Head Office of the Company shall be at the City of Toronto in the County of York.

Provisional  
directors.

4. The said William Ernest Grierson, Thomas James Glover and James Hales shall be the Provisional Directors of the said Company.

Number of  
directors.

5. The Board of Directors of the Company shall consist of not less than five and not more than ten persons.

Capital  
stock.

6. The Capital Stock of the Company shall be \$250,000.

Bonding.  
powers.

7. The Company may issue bonds, debentures or other securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed.

Time for  
commence-  
ment and  
completion.

8. If the construction of the railway is not commenced and \$50,000.00 is not expended in the actual construction work of the undertaking within one year after the passing of this Act, or if the railway is not finished and put in operation within five years from the passing of this Act, the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Concrete  
roadbed.

9. That part of the railway to be constructed on Forest Hill Road and on Eglinton Avenue shall be constructed upon a concrete or other approved permanent foundation which shall extend for a distance of eighteen inches outside the outer rails.

City of  
Toronto or  
Township of  
York may  
acquire  
railway.

10. The Corporation of the City of Toronto or the Corporation of the Municipality of the Township of York shall have the right to acquire the said railway and all real and



and personal property used in the operation thereof at any time within a period of five years from the date of completion of the said railway as fixed and determined by the certificate of The Ontario Railway and Municipal Board, upon payment of the total cost of the undertaking with interest at the legal rate, such cost and interest, in the event of the parties being unable to agree, to be fixed and determined by The Ontario Railway and Municipal Board.

**11.** The Company may, subject to the provisions of *The* <sup>General powers.</sup> *Ontario Railway Act, 1906*:

- (a) Amalgamate with any other electric railway <sup>Amalgamation with other railways.</sup> operating wholly or in part within the territory above described.
- (b) Acquire by purchase or lease any electric railway <sup>Acquiring electric railways.</sup> operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway.
- (c) Acquire running rights over any other electric <sup>Running rights.</sup> railway operating within the said territory.

**12.** The provisions of *The Ontario Railway Act, 1906*, <sup>Application of 6 Edw. VII. c. 30.</sup> applicable to railways to be operated by electricity, except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway to be constructed by it.

## CHAPTER 132.

An Act to Incorporate The Gananoque 'and  
Arnprior Railway Company*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS Gilbert E. Fauquier, Contractor; James Chesterfield Judd, Barrister-at-Law both of the City of Ottawa, in the County of Carleton, Walter Treviskey Sampson, of the Town of Gananoque, in the County of Leeds, Manufacturer; W. J. Gibson, of the said Town of Gananoque, Manufacturer; Frederick Bradley Taber, of the Village of Morton, in the County of Leeds, Builder; David William Green, of the Village of Lyndhurst, in said County of Leeds, and Joseph Kenney, Hotel Keeper, of the Village of Jones Falls, in said County of Leeds, have by their Petition prayed for an Act of Incorporation under the name of "The Gananoque and Arnprior Railway Company" for the purpose of constructing and maintaining a railway to be operated by steam, electricity or other motive power from some point in the Town of Gananoque, thence northerly through the townships of Front and Rear of Leeds, South Crosby, and North Crosby, in the County of Leeds, the Townships of North Burgess, North Elmsley, Drummond, Lanark and Pakenham, in the County of Lanark, and the Township of Fitzroy, in the County of Carleton, and the Township of McNab, in the County of Renfrew, to some point at or near the Village of Arnprior, in the said County of Renfrew, with power to construct a branch from a point near the Village of Morton, in the Township of South Crosby to Lyndhurst Station, in the Township of the rear of Lansdowne, and to connect with other railways operating wholly or in part within the territory above described, and to amalgamate with, or purchase or lease any such railway or acquire running rights over the same; and to carry on the business of an express company; and to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act*; and whereas it is expedient to grant the prayer of the said Petition;

7 Edw. VII.  
c. 19.

THEREFORE

THEREFORE His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Gilbert E. Fauquier, James C. Judd, <sup>Incorporation.</sup> Walter T. Sampson, W. J. Gibson, Frederick B. Taber, David W. Green and Joseph Kenney, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company are constituted a body corporate and politic under the name of "The Gananogue and Arnprior Railway Company," hereinafter called "the Company."

2. The Company is authorized and empowered to survey, <sup>Location of Rce.</sup> lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity, or other motive power from a point in the Town of Gananogue, in the County of Leeds to a point at or near the Village of Arnprior, and passing through the townships of Front and Rear of Leeds, South Crosby and North Crosby, in the County of Leeds, the townships of North Burgess, North Elmsley, Drummond, Lanark and Pakenham, in the County of Lanark and the township of Fitzroy, in the County of Carleton, and the township of McNab, in the County of Renfrew, with a branch from a point near the Village of Morton in the township of South Crosby to Lyndhurst Station in the township of the rear of Lansdowne.

3. The head office of the company shall be at the Town <sup>Head Office.</sup> of Gananogue, in the County of Leeds.

4. The said Gilbert E. Fauquier, James C. Judd, Walter <sup>Provisional directors.</sup> T. Sampson, W. J. Gibson, Frederick B. Taber, David W. Green and Joseph Kenney shall be the provisional directors of the said Company.

5. The Board of Directors of the Company shall consist <sup>Number of directors.</sup> of not less than five and not more than nine persons.

6. The capital stock of the Company shall be \$500,000. <sup>Capital stock.</sup>

7. The Company may issue bonds, debentures or other <sup>Bonds.</sup> securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed.

8. The Company may, subject to the provisions of *The* <sup>Power to amalgamate with and to acquire, etc., other railways.</sup> *Ontario Railway Act, 1906,*

- (a) Amalgamate with any other electric or steam railway operating wholly or in part within the territory above described; <sup>s. 30. s. Edw. VII.</sup>

(b)

- (b) Acquire by purchase or lease any electric or steam railway operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of any such railway;
- (c) Acquire running rights over any other railway operating within the said territory.

Disposal of surplus electricity.

7 Edw. VII. c. 19.

9.—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*.

Commission approve by-law or agreement for supply of electricity.

(2) The Company shall not supply electricity in any municipality, except under a by-law passed by the Council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by commission.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

Hearing of disputes as to rates charged.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission.

8 Edw. VII c. 8.

(5) The said Commission, or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Penalty for disobeying order of Commission

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His

Majesty

Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway. Keeping of accounts.

**10.** The Company may acquire the plant and property for, and carry on the business of an express company. Express business.

**11.** The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the Company and to the railway to be constructed by it. Application of 6 Edw. VII. c. 30.

## CHAPTER 133.

## An Act to Incorporate The Hamilton Mountain Electric Railway Company

*Assented to 6th May, 1913.*

## Preamble.

**W**HĒREAS Thomas H. Crerar, Barrister-at-Law, Le Roy E. Awrey, Barrister-at-Law; Strathearn B. Thomson, Broker; George E. Armstrong, Real Estate Agent, and Thomas H. Stinson, Broker. all of the City of Hamilton, in the County of Wentworth. have by their petition prayed for an Act of Incorporation under the name of "The Hamilton Mountain Electric Railway Company," for the purpose of constructing and maintaining a railway, to be operated by electricity, or other motive power, except steam, from, at or near a point in the Township of Ancaster, in the County of Wentworth, where the road allowance between Lots numbers Fifty-four and Fifty-five in the Second Concession of said Township of Ancaster (otherwise known as the "Horning Mountain Road"), intersects the Brantford and Hamilton Electric Railway; thence in an easterly direction to and along or near a continuation westerly of the road allowance between the Fourth and Fifth Concessions of the Township of Barton, in the said County of Wentworth, and the said road allowance, to a point at or near Mount Albion, in the said Township of Barton; also from, at or near a point where the side road between lots numbers fourteen and fifteen in the said Township of Barton otherwise known as the Hamilton and Caledonia Road is intersected by the southern limit of the City of Hamilton; thence southerly along and upon or adjacent to the said road, through Concessions four, five, six, seven and eight to the southerly boundary of the said Township of Barton, to a point known as Ryckman's Corners, in the said Township of Barton, a distance of about three miles; with power to amalgamate with, or purchase or lease any railway operating wholly or in part within the territory above described, or to acquire running rights over the same; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations

tions and persons along said railway, subject to *The Power of Edw. VII. Commission Act*; and whereas it is expedient to grant the <sup>c. 19.</sup> prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas H. Crerar, LeRoy E. Awrey, Strath-Incorporation.  
earn B. Thomson, George E. Armstrong and Thomas H. Stinson, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are constituted a body corporate and politic under the name of "The Hamilton Mountain Electric Railway Company," hereinafter called "the Company".

2. The Company is authorized and empowered, sub-Location  
ject to the provisions of *The Municipal Franchises Act*,<sup>of line. Geo. V. c. 42.</sup> to survey lay out, construct, complete, equip and maintain a railway to be operated by electricity, or other motive power, except steam, from, at or near a point in the Township of Ancaster, in the County of Wentworth, where the road allowance between Lots numbers Fifty-four and Fifty-five in the Second Concession of the said Township of Ancaster (otherwise known as the "Horning Mountain Road,") intersects the Brantford and Hamilton Electric Railway; thence in an easterly direction to and along or near a continuation westerly of the road allowance between the Fourth and Fifth Concessions of the Township of Barton, in the said County of Wentworth, and the said road allowance, to a point at or near Mount Albion in said Township of Barton; also from, at or near a point where the side road between Lots numbers Fourteen and Fifteen, in the said Township of Barton, otherwise known as the Hamilton and Caledonia Road, is intersected by the southern limit of the City of Hamilton; thence southerly along and upon or adjacent to the said road, through Concessions four, five, six, seven and eight, to the southerly boundary of the said Township of Barton, to a point known as Ryckman's Corners, in the said Township of Barton, a distance of about three miles.

3. The said Thomas H. Crerar, LeRoy E. Awrey, Strath-Provisional  
earn B. Thomson, George E. Armstrong and Thomas H. Stinson, shall be the provisional directors of the company.

4. The Board of Directors of the said company shall Number of  
consist of not less than five and not more than twelve persons.



Capital stock. 5. The Capital Stock of the Company shall be \$500,000.

Head office. 6. The Head Office of the Company shall be at the City of Hamilton, in the County of Wentworth.

Bonds. 7. The Company may issue bonds, debentures or other securities, to the extent of \$25,000.00 per mile of railway constructed or under contract to be constructed.

Power to amalgamate with other railways, etc. 8. The Company may, subject to the provisions of *The Ontario Railway Act, 1906*,

6 Edw. VII. c. 30. (a) Amalgamate with any other electric railway operating wholly or in part within the territory above described;

(b) Acquire by purchase or lease any electric railway, operating wholly or in part within the territory above described, or any part of the trackage or rolling stock of the said Company;

(c) Acquire running rights over any other railway operating within the said territory.

Disposal of surplus electrical power. 9.—(1) The Company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*.

7 Edw. VII. c. 19.

Approval by Commission of by-law or agreement for supply of electricity (2) The Company shall not supply electricity in any municipality except under a by-law passed by the Council of the municipality, or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision of rates by commission. (3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favor of any municipal Corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof, will hear and determine the matter in dispute.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly.

Hearing of  
disputes as  
to rates  
charged.

(5) The said Commission, or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Powers of  
Commission.  
8 Edw. VII.  
c. 8.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of \$100.00 for every day during which such refusal or neglect shall continue.

Penalty for  
disobeying  
order of  
Commission.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Keeping of  
separate  
accounts.

10. The provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, except where inconsistent with the provisions of this Act, shall apply to the said Company and the railway to be constructed by it.

Application  
of pro-  
visions  
of 6 Edw.  
VII. c. 30.

## CHAPTER 134.

## An Act respecting The Lake Huron and Northern Ontario Railway Company.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS The Lake Huron and Northern Ontario Railway, hereinafter called "the Company," has requested the passing of this Act; and whereas it is expedient to grant the said request.

THEREFORE His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

9 Edw. VII.  
c. 69, s. 1,  
cl. (a) and  
s. 2, cl. (a),  
repealed.

**1.** Clause (a) of section 1, and clause (a) of section 2, of Chapter 69, of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh are repealed.

Purchase  
of Crown  
Lands au-  
thorized.

**2.** Upon the completion, within four years of the passing of this Act, and to the satisfaction of the Minister of Lands, Forests and Mines, hereinafter called "the Minister," of the main line of the railway of the Company from its present terminus at Rock Lake Station to a junction with the National Transcontinental Railway at a point between Hearst and Cochrane, and upon the performance to the satisfaction of the Minister of the conditions specified in section 8 of this Act the Company shall be entitled to purchase from the Crown not exceeding four thousand acres for each mile of the said main line from the said present terminus to the said point of junction, at the price of twenty-five cents per acre for the first three thousand acres per mile, and fifty cents per acre thereafter, up to four thousand acres per mile. The said right to purchase may be exercised at any time within one year of the date when same accrues, but not afterwards, and subject as aforesaid, may be exercised partly at one time and partly at another, and so from time to time until the right is exhausted. Upon any exercise of the said right to purchase, the lands so purchased shall be selected

by

by the Minister out of the ungranted lands of the Province in such manner and at such places as the Minister shall think fit, but so, nevertheless, that at least each alternate township on the said main line of railway shall be and remain excluded therefrom.

3. All red and white pine timber on the said lands shall be reserved to the Crown, and be the property of His Majesty, who may place the same under Timber License and may grant to the licensees of the Crown the right to enter upon the lands, make roads, and do all things necessary for the removal of the said pine timber.

Red and white pine timber reserved.

4. All ores, mines and minerals, base and precious, in, on or under the said lands, and all powers, rights and privileges appertaining thereto and necessary for the proper working of the same, shall be reserved to the Crown, and shall be the property of His Majesty, who may deal with the same as provided by *The Mining Act of Ontario*.

Minerals reserved.

8 Edw. VII. c. 21.

5. There shall be reserved to the Crown a right over a strip of land one hundred feet in width in any and all parts of the said lands for the purpose of constructing a pole or pipe line to transmit electricity or power, and the said right shall be the property of His Majesty.

A certain right of way reserved to the Crown for a pipe line.

6. All waterpowers or water privileges on the said lands, together in each case with a sufficient area of land in connection therewith for the erection of buildings and plant and together in each case with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land, shall be reserved to the Crown and shall be the property of His Majesty.

Certain water powers reserved to the Crown.

7. The said lands, where arable, shall be subject to such regulations and conditions relating to settlement as the Minister may from time to time fix, and, where not arable, shall be subject to such forestry laws, regulations, restrictions and conditions as the Minister may from time to time prescribe.

Lands to be subject to regulations, etc.

8. The right to purchase hereinbefore given to the Company shall be subject to the performance by the Company to the satisfaction of the Minister of the following conditions:—

The right of the company to purchase to be subject to conditions.

- (a) The Company shall commence the railway construction hereinbefore referred to within six months of the passage of this Act, and shall thereafter proceed with such construction with all proper and reasonable expedition.

(b)

- (b) The Company shall, as quickly as it is possible and advisable so to do, place actual bona fide settlers upon lands tributary to the said railway and purchased or to be purchased by the Company under the terms of this Act, and in no event at a less rate than as follows: Beginning two years after the passing of this Act, at the rate of two hundred and fifty settlers per year for five years and at the rate of five hundred settlers per year for the next five years.
- (c) The Company shall forthwith proceed to erect and operate, or cause to be erected and operated, such plants as the Minister may consider necessary to manufacture, in a proper and economic manner approved by the Minister, all wood and timber that settlers on lands tributary to the said railway may desire to sell or that the Company or its assigns may cut on lands purchased as aforesaid, and, without in any way limiting the effect of the foregoing, the Company shall, within three years from the passage of this Act, expend or cause to be expended not less than \$3,500,000 in the erection of such plants.
- (d) The Company in constructing its railway as aforesaid shall, subject always to such limitations as are contained in other Acts relating to the Company, follow such route as will develop the greatest amount of territory possible in the region traversed, such route to be approved by the Minister.
- (e) The Company shall, at its own expense, as directed by and in a manner approved by the Minister, construct, build and for a reasonable period maintain all roads, bridges or other road improvements in or on all lands purchased by it as aforesaid, as such construction, building and maintenance may from time to time be required in the interest of settlers.
- (f) The Company shall undertake that proper and adequate provision is made for the institution of schools and for the erection of school buildings suitable and necessary for settlers on all lands purchased by it as aforesaid, such schools to receive, however, the usual Government and Municipal aid and support.

(g)

- (g) The Company shall from time to time, as required by and in a manner approved by the Minister, improve portions of the land purchased by it as aforesaid, as farms and shall offer such farms for sale at prices and upon terms to be approved by the Minister.

9. The Timiskaming and Northern Ontario Railway and any other railway or railways owned by the Province, and any railway or railways designated by the Lieutenant-Governor in Council shall be entitled to running rights over the railway of the Company on such terms as The Ontario Railway and Municipal Board may prescribe.

10. The Company shall take all precautions to prevent damage by fire to the country through which its railway shall pass, and shall at all times, both during and after construction, employ such men, take such precautions and do and perform all such acts and things and be subject to such conditions, restrictions and regulations as the Minister may prescribe to prevent such damage.

11. Pending the completion by the Company of the railway construction required by this Act the Minister may, if in his opinion such a step is requisite for the purpose of forwarding settlement or for the purpose of enabling the erection of plants or the improvement of farms as aforesaid, at the request of the Company and upon payment of the purchase price, from time to time cause to be issued to the Company or its nominees patents for portions of the lands purchasable by the Company under the terms of this Act, up to an amount corresponding to the mileage of such railway construction then completed, taking, nevertheless, from the Company such security for the due performance of the conditions specified in section 8 of this Act as to the Minister shall seem reasonable and necessary, and the Minister may, upon the completion by the Company of the railway construction required by this Act and the performance by the Company of the conditions specified in section 8 of this Act, so far as the obligations of the same have to that date accrued, but upon like terms as to security, at the request of the Company and upon payment of the purchase price, from time to time cause to be issued to the Company or its nominees patents up to the full amount of the said lands.

## CHAPTER 135.

An Act respecting the Ontario West Shore  
Railway Company.*Assented to 6th May, 1913.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Ontario  
West Shore  
Electric  
Railway  
vested in  
trustee.

1. The franchise of The Ontario West Shore Railway Company and all property, rights and privileges of the Company shall be and the same are hereby vested in Thomas Stothers, of Dungannon, in trust for the corporations of the municipalities by which the bonds of the Company have been guaranteed, but subject to the rights of the creditors of the Company and the bondholders and the trustees for the bondholders.



## CHAPTER 136.

An Act respecting The Ottawa and St. Lawrence  
Electric Railway Company*Assented to 6th May, 1913.*

**W**HEREAS The Ottawa and St. Lawrence Electric Rail-<sup>Preamble.</sup>  
way Company has, by Petition, represented that the  
said Company was incorporated under the name of The  
Ottawa and St. Lawrence Electric Railway Company by an  
Act passed in the 9th year of His late Majesty's reign,  
chaptered 140, for the purpose of constructing and operating  
an electric railway from a point on the boundary line between  
the Province of Quebec and the Province of Ontario, situate  
in the Township of Lancaster, in the County of Glengarry,  
running westerly along the north shore of the St. Lawrence  
River, to and through the said Township of Lancaster and the  
Township of Charlottenburgh, in the said County of Glen-  
garry, and the Township of Cornwall, in the County of  
Stormont, to the Town of Cornwall, in the said County of  
Stormont, thence through the said Township of Cornwall and  
the Township of Osnabruck, in the said County of Stormont,  
the Townships of Williamsburg and Matilda, in the County of  
Dundas, the Townships of Edwardsburg and Augusta, in the  
County of Grenville, and the Township of Elizabethtown, in  
the County of Leeds, to the Town of Brockville, in the said  
County of Leeds; thence northwesterly through the Counties  
of Leeds and Lanark to the Township of Darling, in the  
said County of Lanark, touching the Villages of Athens, in  
the Township of Young, in the said County of Leeds, and  
Lanark, in the Township of Lanark, in the said County of  
Lanark, and the Town of Perth, in the said County of Lan-  
ark, and connecting with the Lanark County Electric Rail-  
way; touching the Villages of Winchester and Ormond, in the  
Township of Winchester, in the County of Dundas, and the  
Villages of Kenmore and Metcalf, in the Township of Os-  
goode, in the County of Carleton; with a branch from the  
said Village of Kenmore, to the Village of Russell, in the  
Township of Russell, in the County of Russell, connecting  
with the Ottawa and New York Railway; and whereas The  
North Lanark Railway Company has by its Petition repre-

sented

sented that the said Company was incorporated by an Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, chaptered 100; that by this said Act and by an Act passed in the third year of His late Majesty's reign, chaptered 107, the said Company was authorized to construct and operate a steam or electric railway from a point at or near lot number thirteen or lot number fourteen in the second concession of the Township of Blythefield, in the County of Renfrew; thence passing through the Township of Bagot, in the County of Renfrew, through the Townships of Darling and Pakenham, in the County of Lanark, and through the Township of McNab, in the County of Renfrew, to a point at or near the Village of Braeside, on the Ottawa River; thence continuing through the said Township of McNab to a point at or near the Town of Arnprior; thence continuing through the said Township of McNab, and through the Township of Fitzroy, in the County of Carleton to a point at or near the Village of Fitzroy Harbour on the Ottawa River; thence continuing through the said Township of Fitzroy and through the Townships of Torbolton, March, Nepean and Gloucester, in the County of Carleton, to the City of Ottawa; that it is the intention of the said Company to build the said railway in a substantial manner; that the building of the said railway is a necessity to a large portion of the country through which it passes and will open up for settlement a large area of Crown lands and afford transportation for minerals, timber, and other products which otherwise would remain unavailable and useless, besides rendering available several important water powers; that by the said Act passed in the third year of the reign of His late Majesty it was enacted that the said railway should be completed within five years from the passing of the said Act; and whereas the said Company has by the said Petition prayed that the time for extending and completing the said railway may be extended for a further period of five years; and whereas the said The North Lanark Railway Company has prepared surveys and profile plans for the construction of the work authorized by its Act of incorporation, but that it will be unable to complete the said work within the time limited by the said Act; and whereas an agreement has been entered into between the said The Ottawa and St. Lawrence Electric Railway Company and The North Lanark Railway Company for the amalgamation of the said Railways or for the purchase by The Ottawa and St. Lawrence Railway Company of the rights, franchise and works of the said The North Lanark Railway Company; and whereas the said Railway Companies by their respective petitions have prayed that the said Companies should be amalgamated by an Act of the Legislature of the Province of Ontario; and whereas the said Railway Companies by their respective petitions

have

have prayed that the name of the companies when so amalgamated shall be "The Ottawa and St. Lawrence Electric Railway Company"; and whereas the capital stock of The Ottawa and St. Lawrence Railway Company is one million dollars and the capital stock of The North Lanark Railway Company is four hundred and fifty thousand dollars and the said Companies have by their respective Petitions prayed that the capital stock of The Ottawa and St. Lawrence Railway Company should be five million dollars; and whereas the said Companies have by their respective Petitions prayed that the said The Ottawa and St. Lawrence Electric Railway Company should be authorized and empowered to issue bonds to the extent of thirty thousand dollars per mile of the said undertaking; and whereas it is expedient to grant the prayer of the said Petitions;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the 9th year of His late Majesty's reign, chaptered 140, and by an Act passed in the first year of His Majesty's reign, chaptered 128, and the railway authorized by the Act passed in the 3rd year of his late Majesty's reign, chaptered 107, and by an Act passed in the 8th year of His late Majesty's reign, chaptered 132, and by this Act shall be commenced and 15 per cent. of the capital stock expended thereon within two years from the passing of this Act and completed within five years from the passing of this Act, and if the construction of the railway is not commenced and 15 per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the Companies by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Extension  
of time for  
commence-  
ment and  
completion.

2. The North Lanark Railway Company is hereby amalgamated with The Ottawa and St. Lawrence Electric Railway Company under the name of "The Ottawa and St. Lawrence Electric Railway Company" so that the same shall form one continuous railway line from the City of Ottawa to the Village of Morrisburg, in the County of Dundas; thence along or near the River St. Lawrence to the City of Brockville, in the County of Leeds; thence in a northerly and north-westerly direction to a point at or near the Ottawa River in the vicinity of Braeside, in the County of Renfrew; thence along the Ottawa River to the City of Ottawa, in the County of Carleton, and the said Company is and its officers are hereby empowered

Amalgamation  
of North  
Lanark  
Railway.

powered to issue its shares in payment for the outstanding shares of The North Lanark Railway Company.

Provision  
for payment  
of debts of  
North  
Lanark  
Railway.

**3.** The said The Ottawa and St. Lawrence Electric Railway Company shall be liable for all the debts and obligations of the said The North Lanark Railway Company, and all the property, franchise rights, and effects of the said The North Lanark Railway Company are hereby declared to be vested in The Ottawa and St. Lawrence Electric Railway Company.

Capital  
Stock.

**4.** The capital stock of The Ottawa and St. Lawrence Electric Railway Company shall be \$5,000,000.

Bonding  
powers.

**5.** The Company may issue bonds, debentures or other securities to the extent of \$30,000 per mile of railway constructed or under contract to be constructed.

Certain Acts  
continued  
in force.

**6.** Save and except as herein provided the said herein-before in part recited Acts are confirmed and declared to be and to have been from the date of the passing thereof respectively in force and all acts and proceedings of the said Companies respectively and of the Provisional Directors thereof and notwithstanding informalities, if any, are confirmed and declared legal, valid, binding and of full force and effect.

## CHAPTER 137.

## An Act respecting The Stratford Railway Company.

*Assented to 6th May, 1913.*

**W**HEREAS the Stratford Railway Company (herein-<sup>Preamble</sup> after called the Company), has by its Petition represented that it was incorporated by Chapter 131, of the Acts passed in the first year of the reign of His Majesty King George the Fifth, and was empowered, as therein, to acquire the franchise, rights, powers and privileges granted to Thomas O. Robson, Archie Baird, Henry L. Rice and David Bonis by the City of Stratford, Ontario, under By-law No. 1739; and whereas the City of Stratford, by By-law No. 1932, passed on the twentieth day of January, 1913, amended the said By-law No. 1739; And whereas the Company by its Petition has prayed that By-law 1932 shall be confirmed; And Whereas, subject to the provisions hereinafter contained, it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Saving and excepting paragraph 15 thereof, and sub-<sup>By-law No. 1932 confirmed.</sup>ject to the provisions of section 2 hereof, By-law 1932 of the Municipal Corporation of the City of Stratford set out as Schedule "A" hereto, is ratified and confirmed and declared to be legal, valid and binding.

2. Notwithstanding anything contained in the said By-<sup>Freight not to be carried on streets other than specified, except between 11 p.m. and 6 a.m.</sup>law No. 1932 the Company shall not carry freight upon any street other than the streets specially named in paragraph 4 of the said By-law No. 1932, except between the hours of 11 p.m. and 6 a.m., nor shall the Company carry any through freight on Ontario Street, except under the

authority

authority of a By-law passed with the assent of the electors entitled to vote on money By-laws under the provisions of *The Municipal Act*.

Schedule  
"B." 1 Geo.  
V. c. 131,  
to apply.

3. The Agreement set out in Schedule "B," of the said Act passed in the first year of His Majesty's reign, chaptered 131, shall remain in full force and effect, and shall apply to the said By-law No. 1739 as amended by the said By-law No. 1932, in so far as said By-law No. 1932 is confirmed by this Act.

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### SCHEDULE "A."

#### BY-LAW NO. 1932 OF THE CITY OF STRATFORD.

##### *A By-law to amend By-law No. 1739 of the City of Stratford.*

WHEREAS it has been agreed between the Corporation of the City of Stratford and the Stratford Railway Company that By-law No. 1739 of the City of Stratford shall be amended as hereinafter provided and that the Legislature of the Province of Ontario shall be asked to ratify such amendments.

NOW THEREFORE The Corporation of the City of Stratford enacts as follows:—

1. Clause No. 1 of the said By-law is amended by adding thereto the words:—

"Shakespeare Street from Downie Street to Front Street," and by further adding thereto as Clause 1 (a), the following:—

"The railway to be constructed and operated under this clause may be with single or double tracks, at the option of the Company with the consent of the City Council."

2. Clause No. 2 of the said By-law is amended by adding thereto the following words:—

"The Company may in like manner on obtaining the consent of the City Council, construct and operate sidings or spurs to any factory property fronting or abutting upon any street or lane adjacent to any street or part of street traversed by its railway."

3. Clause No. 4 of the said By-law is eliminated and the following is substituted therefor:—

"The Company may construct such side tracks, switches and turn-outs at such places on the side lines of electric railway as may be necessary for the proper conduct of its business, subject to the right of the city to apply to the Ontario Railway and Municipal Board with regard thereto, and any order of the said Board shall govern; and after any line is constructed and put in operation, further side tracks, switches and turn-outs may be constructed by the Company at such places and in such manner as the City Engineer may from time to time authorize, subject to the right of either the city or the Company to apply to the Ontario Railway and Municipal Board with regard thereto and any order of the said Board shall govern."

4. Clause No. 5 of the said By-law is eliminated and the following is substituted therefor:—

"5.

"5. The Company may, subject to the provisions of this By-law and subject to any orders that may from time to time be made by The Ontario Railway and Municipal Board, carry freight and baggage as well as passengers over the said lines of railway within the city, and may charge reasonable compensation therefor, but except with the permission of the Council of the Corporation, the right to carry freight at all hours is limited to the following streets and parts of streets, namely:—George Street, St. Patrick Street, Douro Street, King Street, Front Street, James Street, Mornington Street, from James Street to Princess Street, and Princess Street; while upon the remaining streets or parts of streets upon which the said lines of railway may under this By-law be laid or maintained, the right to carry freight without the permission of the Council of the Corporation as aforesaid, is limited to the time between 9 p.m. and 6 a.m., such freight and baggage may be carried in standard steam railway freight or baggage cars."

5. Clause No. 6 of the said By-law is amended by adding after the word "Freight" where it first appears in the said Clause the following words:—

"except baggage or package freight in cars other than freight cars."

6. Clause No. 9 of the said By-law is hereby eliminated and the following is substituted therefor:—

"Cars shall be run upon the respective lines of railway within the city according to schedules to be from time to time agreed upon between the City Engineer and the Company, and in the event of disagreement, such schedules shall be settled by the Ontario Railway and Municipal Board."

7. Clause No. 14 of the said By-law is amended by adding thereto the following:—

"(c) The Company may, at its discretion, use concrete poles of a pattern approved by the City Engineer, in lieu of iron poles, on any street or streets whereon iron poles are hereinbefore specified."

8. Clause No. 15 of the said By-law is amended by substituting "80" for "85."

9. Clause No. 21 of the said By-law is amended by substituting for the words "One hundred" in sub-section (b), the words "Three hundred."

10. Clause No. 28 of the said By-law is hereby amended by adding after the word "Saturdays," where it first appears in the said clause, the words "and Sundays"; and the said clause is further amended by striking out that part of the clause beginning with the words "and also tickets for students."

11. Clause No. 32 of the said By-law is amended by striking out the following words at the end thereof:—

"And subject also to the terms of any agreement between the Corporation and the Company so desiring to enter the city,"

and substituting therefor the following words:—

"and subject also to the restrictions and regulations imposed by this By-law on the Stratford Railway Company."

12. Clause No. 33 of the said By-law is hereby amended by inserting after the word "Company" where it first appears in the said clause the following words:—

"either permanently or temporarily."



13. Clause No. 35 of the said By-law, is hereby amended by substituting for the word "week" the word "month," and by striking out all the words in the said clause after the word "Board."

14. Clauses Nos. 38, 39, 40 of the said By-law are eliminated, the Corporation agreeing that the acts already done by the Company in performance thereof, are accepted by the Corporation as full performance.

15. Clause No. 42 of the said By-law is hereby repealed and the following is substituted therefor:—

"42. The Company shall obtain its supply of power for the purposes of its railway from the Hydro-Electric Power Commission, provided the rates and conditions obtainable from the Hydro-Electric Power Commission are as favorable to the Company as those obtainable elsewhere, or otherwise. In the event of the Company obtaining its power from the Hydro-Electric Power Commission, as aforesaid, it will, so far as practicable and as may be determined by the said Commission, take its power from the step-down station at Stratford. The Company shall not, without the consent of the Council of the Municipality expressed by By-law approved by the majority of the ratepayers in manner provided by the Consolidated Municipal Act, 1903, lease, sell or distribute electricity for light, heat or power within the City of Stratford."

16. The following clause shall be added to the said By-law:—

"The lines to be constructed in the first instance by the Company shall be on the following streets, notwithstanding anything set out in paragraph 1 of the said By-law:—

"Huron Street, from Huntington Street to Ontario Street; Ontario Street, from Huron Street to King Street; King Street, from Ontario Street to Douro Street; Douro Street, from King Street to Front Street; Front Street, from Douro Street to Shakespeare Street; Shakespeare Street, from Front Street to Downie Street; Downie Street, from Shakespeare Street to Ontario Street; Erie Street, from Ontario Street to the level crossing of the Grand Trunk Railway Company or a point in the neighborhood thereof, with all necessary Y's and turn-outs and switches, construction to be commenced not later than the first day of June, 1913, provided that this By-law has been finally passed and duly ratified, and to be completed, ready for operation within eighteen months from the date of such commencement of construction, subject to such extensions as the said Council may grant from time to time.

"The construction of railway shall be of such a character that standard steam railway freight cars may be handled to and from the factories and industries to desired connections.

"The work of construction shall proceed with reasonable rapidity from the time of commencement, and monthly reports shall be made by the Company's Engineer to the City Engineer showing progress made from time to time. The time for the completion of the remainder of the lines of railway authorized by this By-law, or any By-law amending this By-law, to be two years from the time fixed for the completion of the lines to be constructed in the first instance, as hereinbefore specified, otherwise the right to so construct and complete such remaining lines shall cease with respect to such parts of such lines as then remain uncompleted."

17. On the third day of January, 1913, at the hour of ten o'clock in the forenoon, at the Clerk's office at the City Hall, in the City of Stratford the appointment of persons to attend at the polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law will be made.

18. The Clerk of the Municipality shall sum up the number of votes given for and against this By-law on the Seventh day of January, 1913, at the Clerk's office in the City Hall, Stratford, at eleven o'clock in the forenoon.

19. The votes of the ratepayers entitled to vote on this By-law shall be taken thereon between the same hours on the same day at the same places and by the same deputy returning officers as the votes for the next annual elections, for the Municipal Council for the City of Stratford.

This By-law passed in open Council this Twentieth day of January, 1913.

(Seal.)

(Sd.) C. N. GREENWOOD,

*Mayor.*

(Sd.) R. R. LANG,

*City Clerk.*

## CHAPTER 138.

## An Act respecting The Toronto and York Radial Railway Company.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS The Toronto and York Radial Railway Company, hereinafter called "the Company," has by petition represented that it was incorporated by chapter 66 of the Acts passed in the 61st year of the reign of Her late Majesty, Queen Victoria, and was empowered as therein provided to acquire the undertakings, railways, franchises, rights, powers, privileges, and other real and personal property of certain railroads therein mentioned; And whereas the powers of the Company were extended and defined by Chapter 124 of the Acts passed in the 6th year of His late Majesty's reign, and by Chapter 134 of the Acts passed in the 1st year of His Majesty's reign; And whereas it is desirable to grant to the Company certain additional powers, and to fix and limit the time for the construction of the Company's railways; And whereas the Company by its Petition has prayed that it may be enacted as hereinafter set forth; And whereas it is expedient to grant the prayer of the said Petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to  
construct  
double  
tracks  
on part of  
Yonge St  
2 Geo. V  
c. 42.

**1.** The Company may, subject to the provisions of *The Municipal Franchises Act*, lay out, construct, complete, equip and maintain double tracks upon Yonge Street in the City of Toronto, from the point where the rails of the said Company leave Yonge Street in the said City near Woodlawn Avenue, to the northerly limits of the said City, and may operate its railway upon the said double tracks, subject to an agreement to be entered into with the said City.

2. Subsection 16 of Section 21 of the Acts passed in the 61st year of the reign of Her late Majesty, Queen Victoria, Chapter 66, is amended by striking out the words "twenty thousand dollars for each mile of street railway track," and substituting therefor the words "thirty thousand dollars for each mile of single railway track."

61 V. c. 66,  
s. 21 (16)  
amended.

3. The Company may operate its cars and trains upon its Metropolitan Division, or upon any part thereof upon Sunday for the carrying of passengers only, except as provided for in subsection 2, section 136, chapter 209, Revised Statutes of Ontario, 1897, subject to regulations to be imposed by "The Ontario Railway and Municipal Board."

Power to  
run on  
Sunday.

4. The Company may, subject to the provisions of *The Municipal Franchises Act* survey, lay out, construct, complete, equip and maintain railways, extensions and branches between and to connect the present Toronto termini of its Scarborough, its Metropolitan and its Mimico Divisions, either upon, across, over or under such highways within the said City of Toronto as the said City may agree to, and upon such highways as may be agreed upon by the other municipalities having the respective control thereof and the Company, or upon private right-of-way, or upon both such highways and such private right-of-way.

Power to  
construct  
certain  
extensions  
and  
branches.  
2 Geo. V.  
c. 42.

5. Notwithstanding anything contained in the Act passed in the 6th year of His late Majesty's reign. Chaptered 124, or in the Act passed in the 1st year of His Majesty's reign. chaptered 134, or in *The Ontario Railway Act, 1906*, the extensions and branches of the said railway authorized by the said Acts and by this Act shall be commenced within two years and completed within five years from the passing of this Act; and if the said extensions and branches are not commenced within two years, and completed within five years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void with respect to so much of the said extensions and branches as then remain uncompleted.

Time for  
commence-  
ment and  
completion  
of railway  
extended.

## CHAPTER 139.

## An Act respecting The Consolidated Telephone Company, Limited.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS The Consolidated Telephone Company, Limited, has by petition represented that it was incorporated by Letters Patent, dated the 13th day of May, 1903, under *The Ontario Companies Act*, under the name of "The Caledon Telephone Company, Limited," for the following purposes and objects, namely, to carry on within the Township of Caledon the general business of a Telephone Company, and for that purpose to construct, erect, maintain and operate a line or lines of telephone along the side of or across or under any public highways, roads, streets, bridges, water, water courses, or other places, and with an authorized capital of \$10,000; and whereas by Supplementary Letters Patent, dated the sixth day of May, 1909, the name of the said Company was changed from "The Caledon Telephone Company, Limited," to "The Consolidated Telephone Company, Limited," and the authorized capital increased from \$10,000 to \$100,000, and certain other changes made in the scope of the objects of the company; and whereas in the Supplementary Letters Patent certain clerical errors appear; and whereas the company has omitted to comply with certain requirements of *The Ontario Companies Act* in respect to the issuing and filing of a prospectus, the issue, sale and allotment of stock, the obtaining of a certificate for the commencement of business and otherwise; and whereas the said company has since the date of its incorporation purported to carry on and has, in fact, carried on business in accordance with the objects as set out in the said Letters Patent and Supplementary Letters Patent; and whereas doubts have arisen in regard to the status and operations of the said Company and its authority and capacity to carry on the said business and to enforce the agreements, contracts and obligations made and entered into for and on its behalf and benefit, and as to the position and responsibility of its directors and officers in respect of such errors and omissions; and whereas the Company has by its  
petition

petition prayed for special legislation to correct such errors and to remove such doubts; and whereas it is expedient to grant the prayer of the petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Consolidated Telephone Company, Limited, shall be deemed to be and to have been from the date of its incorporation a valid and subsisting corporation with powers, authorities and rights as set forth in the said Letters Patent and Supplementary Letters Patent and *The Ontario Companies Act*, with power and authority to commence and carry on business as of the dates of the said Letters Patent and Supplementary Letters Patent, as fully and effectively as if such errors and omissions had not been made, and as if no error or irregularity had occurred with respect to the organization and conduct of the affairs of the said company and all agreements, contracts and obligations made or entered into by or with the said company, shall be legal, valid and binding to the same extent as they would have been if such errors, omissions and irregularities had not been made; and the penalties provided by *The Ontario Companies Act*, in respect of such errors, omissions and irregularities are hereby suspended and waived.

2. The Provincial Secretary may amend the Supplementary Letters Patent of the company by altering the amount for which the company is authorized to mortgage its assets from two thousand five hundred dollars to twenty-five thousand dollars and by adding the Township of Erin to the list of Townships within which the company is authorized to carry on business, and such amendments shall have the same force and effect, as if they had been made on the date of the said Supplementary Letters Patent.

## CHAPTER 140.

An Act to Authorize the British Empire Trust  
Company Limited to do Business in  
the Province of Ontario

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS The British Empire Trust Company, Limited (hereinafter called the "Company"), has by its Petition represented that it was incorporated on the 30th day of April, 1902, and is existing under The Companies Acts of the United Kingdom, and that its present capital is £1,000,000 sterling, of which there has been issued £750,000 sterling divided into 250,000 5% Cumulative Perpetual Preference shares of £1 each, 400,000 preferred ordinary shares of £1 each, and 400,000 deferred ordinary shares of 5s. each, all of which has been issued and allotted and is fully paid up in cash; and whereas the Company has prayed for the passing of an Act authorizing it to carry on certain of its business and to exercise certain of its powers in the Province of Ontario in conformity with the general law thereof.

THEREFORE. His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority  
to exercise  
certain  
powers in  
Ontario.

1. The company shall be, and it is hereby authorized and empowered to carry on and exercise in the Province of Ontario the business and powers hereinafter set forth, viz.:

- (a) To underwrite, subscribe for, guarantee subscriptions for, tender, purchase, take on exchange, and otherwise acquire, hold, and deal in stock, shares, debentures, debenture stock, bonds, obligations and securities issued or guaranteed by any company or issued or guaranteed by any government, sovereign ruler, commissioners, public body or authority, supreme, municipal, local or otherwise;

(b)



- (b) To act as trustees for debenture holders, debenture stock holders, bond holders, shareholders and stock holders and to issue certificates, scrip or other documents evidencing the title of any company, firm or person to any interest in any debentures, debenture stock, bonds, shares, stock, or other securities to which the company is entitled or in respect of which the company is registered as the owner or which the company is holding;
- (c) To act as brokers, agents, attorneys, managers and receivers and as agents for the purpose of issuing or countersigning certificates of stock, bonds, debenture stock or other obligations of any association or corporation, municipal or other, and to act as transfer agents and registrars in connection with such stock, bonds, debenture stock or other obligations, and to manage any sinking fund therefor on such terms as may be agreed upon;
- (d) For the purpose of transacting its business or for any of the purposes aforesaid to purchase, take on, lease or in exchange, hire or otherwise acquire any real or personal property in the Province of Ontario, either for the company exclusively or jointly with any other company or companies, association or associations, partnership or partnerships, or as agent;
- (e) To lend money to any company, partnership, association or persons, or in particular to clients of the company upon the security of their undertaking, property, estate, assets and effects, or any part thereof, or without security, and generally on such terms as the company may deem expedient.

**2.** The chief agency of the company for the Province of Ontario shall be in the City of Toronto and all officers of the company at the said agency or in the said Province shall in respect of all business transacted by the company in the said Province be absolutely subject to the control of the Courts of the said Province as fully as if the Head Office of the company were within the said Province and as if the said company were wholly managed and controlled therein. <sup>chief agency.</sup>

**3.** The company shall be limited in respect of all business relating to property, rights or interests in the Province of Ontario, to the powers mentioned in this Act. <sup>Limitation of powers.</sup>

Registration of company on compliance with certain provisions of 2 Geo. V. c. 34.

4. Upon the company complying with the provisions of sections 116, 117, 118 and 119 of *The Loan and Trust Corporations Act*, the Registrar of Loan Corporations may cause the company to be registered and its name entered in The Trust Companies Register and thereafter the company shall, except where any of the provisions are inconsistent with this Act comply with the terms of and be subject to the following sections of the said *The Loan and Trust Corporations Act*, viz.: section 110, sections 111, 112, 116, 117, 118, 119, 123 to 127 inclusive, and in so far as the books, vouchers, securities and documents of the Company in the Province of Ontario are concerned to sections 135 to 139 inclusive. Provided, however, that the Company shall not at any time be required to file or publish or exhibit a list of the holders of shares in its capital stock unless directed to do so by the Lieutenant-Governor in Council.

Security may be required.

5. The Lieutenant-Governor in Council may at any time require the Company to give security in such amount as he may deem proper and if the Company fails to give security as required by the order in council it shall not thereafter be entitled to enter into or transact any new business in the Province.

## CHAPTER 141.

An Act to Incorporate the Young Men's  
Christian Association of Galt*Assented to 6th May, 1913.*

**W**HEREAS it has been made to appear by the Petition <sup>preamble.</sup>  
of the Young Men's Christian Association of Galt  
that the following are members of the Association: A. R.  
Goldie, President; A. J. Johnson, Vice-President; A. Mc-  
Bean, Treasurer; N. L. Moore, Secretary of the Board; D.  
Buchanan, F. H. Chapple, S. E. Charlton, C. E. A. Dowler,  
Geo. Hancock, Jr., J. N. MacRae, T. A. Rutherford, John  
Sloan, A. F. Smith, F. S. Scott, W. W. Wilkinson, J. H.  
Wilson; that the said Association has been in existence in  
the Town of Galt for over fifteen years last passed; that the  
objects of the Association are the improving of the spiritual,  
moral, social, educational and physical life of its members  
and others; that the said Association desires to become in-  
corporated by an Act of the Legislative Assembly of the  
Province of Ontario to enable it more effectually to carry  
out the above objects; that the said Association proposes to  
acquire land and erect buildings thereon in the Town of  
Galt for the purpose of assisting in carrying out the objects  
of the said Association and desires to have the same exempt  
from taxation, except local improvements; and whereas it  
is desirable to incorporate the Young Men's Christian As-  
sociation of Galt;

Therefore, His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Young Men's Christian Association of Galt is hereby constituted a body corporate and politic under the "Young Men's Christian Association of Galt," and is hereinafter called "the Association." <sup>Incorporation.</sup>

2. The following shall be the first Directors of the As- sociation and shall remain in office till their successors are elected: <sup>Directors.</sup>

elected: Alex. R. Goldie, President; A. J. Johnson, Vice-President; A. McBean, Treasurer; N. L. Moore, Secretary of the Board; D. Buchanan, F. H. Chapple, S. E. Charlton, C. E. A. Dowler, Geo. Hancock, Jr., J. N. MacRae, T. A. Rutherford, John Sloan, A. F. Smith, F. S. Scott, W. W. Wilkinson, J. H. Wilson, and they and other members of the Young Men's Christian Association who were members immediately prior to this incorporation shall be members of the Association hereby incorporated, until such time as they cease to be members under any by-laws, rules or regulations of the Association from time to time in force.

By-laws,  
etc.

**3.** The by-laws, rules and regulations of the Young Men's Christian Association in force at the time of the Incorporation shall remain in force till altered by the Association, except in so far as they are inconsistent with the provisions of this Act.

Objects of  
Association.

**4.** The objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others.

Disposition  
of assets.

**5.** All the assets, rights and property of the Young Men's Christian Association shall belong to and be vested in the Association.

No liability  
of officers  
for debts.

**6.** The officers and members of the Association shall not as such be liable personally for any debt or obligation of the Association.

Power to  
acquire  
lands

**7.—(1)** The Association may acquire by purchase, gift, devise or bequest whatever real and personal property is required for the purposes of the Association not exceeding one hundred and fifty thousand dollars in value, and the Association may mortgage, encumber or sell and convey same, and may borrow money on mortgages, notes or debentures of the Association.

Exemption  
from taxation.

**(2)** The buildings, lands and equipment of the said Association, so long as occupied and used for the purposes of the Association, are declared to be exempted from taxation, except for school purposes and local improvements and except as provided by subsection 3.

Exception  
as to part  
used for  
commercial  
purposes.

**(3)** Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bed-rooms and lunch-rooms when so used, shall be liable to assessment and taxation for all purposes as though this Act had not been passed.

(4) The provisions of *The Mortmain and Charitable Uses Act* shall apply except that the period within which the land shall be sold shall be seven years and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* used for the purposes of the association.

8. The Association shall have power to make contracts, and to pass by-laws, rules or regulations as to meetings, officers, qualifications for membership, membership fees, management of the affairs of the Association and the carrying out of the objects thereof, and may from time to time delegate the powers as to management of any of the affairs of the Association and as to the carrying out any of the objects to any committee or committees or board or boards composed of members of the Association.

## CHAPTER 142.

## An Act respecting the Young Men's Christian Association of Sault Ste. Marie and Steelton.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS an Association under the name of the Young Men's Christian Association, of Sault Ste. Marie and Steelton, has existed for several years, having for its object the spiritual, mental and physical welfare of the young men of Sault Ste. Marie and Steelton and surrounding municipalities, and the promotion of Christian work therein, and is governed by a constitution and by-laws which have received the assent of the members of the said Association; and whereas the members of the said Association have, by Petition, prayed to be incorporated, and that the buildings, land and equipment of said Association may be exempted from taxation; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. Samuel Edgar Flemming, George Gilmore Farwell, S. Victor McLeod, Albert M. Peters, John Dawson, Thomas Edward Simpson, John Ewart Irving, Johnston Douglas Havelock Browne, and such other persons as are now or shall hereafter become members of the said Association, shall be, and they are hereby constituted a body politic and corporate, under the name of the Young Men's Christian Association, of Sault Ste. Marie and Steelton, and shall have power to acquire and hold for the purposes of the corporation, real estate in the City of Sault Ste. Marie, or any leasehold or other interest therein not exceeding in value \$150,000, and the same or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and the provisions of *The Mortmain and Charitable Uses Act* shall apply except that the period

within

within which the land shall be sold shall be seven years and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* used for the purposes of the corporation.

2. Nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate. Trading in real estate prohibited.

3. The constitution and by-laws of the Association, being the constitution and by-laws adopted by the Association prior to its incorporation, and under which the Association has since been conducted, are and shall continue to be the constitution and by-laws of the said Association, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated. Constitution and by-laws

4. The members of the Association shall continue to be the members thereof, and the officers of the Association shall continue to hold office in the manner provided by and subject to the constitution and by-laws of the Association. Members and officers.

5. The Corporation may by by-law increase or decrease the number of directors and provide as to their qualifications, mode of election, and the time for which they shall hold office. Directors.

6. The personal property of the Association shall become the property of, and is hereby vested in the said Corporation. Vesting of personal property.

7. The object of the said Corporation shall be the spiritual, mental, social and physical improvement of young men, by the maintenance and support of meetings, lectures, reading rooms, library, gymnasiums and such other means as may from time to time be determined upon. Objects of corporation.

8. The said Corporation shall have power to establish a system of technical education, including such branches of science and development of such of the industrial arts as the board of directors of the said Corporation may from time to time determine. Power to establish system of technical education.

9.—1) The buildings, lands and equipment of the Young Men's Christian Association, of Sault Ste. Marie and Steelton, so long as occupied by and used for the purposes of the Association, are declared to be exempted from taxation, except for school purposes and local improvements, and except as provided by subsection 2. Exemption from taxation.



(2) Any portion of the buildings and lands of the Association used for commercial purposes, including dormitories, bedrooms or lunchrooms when so used, shall be subject to assessment and taxation for Municipal and School purposes as though this Act had not been passed.

Notes, contracts, bills of exchange, etc.

**10.**—(1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said Corporation by the President, Vice-president and Treasurer of the Corporation or any two of them, in general accordance with their powers as such under the by-laws of the Corporation, shall be binding upon the Corporation (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a Bank.

## CHAPTER 143.

## An Act to amend the Act Incorporating "The Boys' Home," of the City of Toronto.

*Assented to 6th May, 1913.*

**W**HEREAS "The Boys' Home," of the City of Toronto, Preamble. was incorporated by an Act of the late Province of Canada passed in the twenty-fourth year of the reign of Her late Majesty, Queen Victoria, Chapter 114, and has by Petition prayed that an Act may be passed amending the said Act of Incorporation by abolishing the office of Directress and vesting the management of the Corporation in the Managers elected annually and giving them power to elect from their number a President and three Vice-Presidents, and further amending the said Act of Incorporation, and it is expedient to grant the prayer of the said Petitioners;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Section 1 of the Act to incorporate "The Boys' Home," <sup>24 Vic.</sup> of the City of Toronto, passed in the twenty-fourth year of <sup>c. 114, s. 1.</sup> amended. the reign of Her late Majesty, Queen Victoria, Chapter 114, is amended by striking out the words "Directresses and" in the thirteenth line of the said section.

**2.** Section 2 of the said Act is amended by striking out <sup>24 Vic.</sup> the words "Directresses and" in the eighth and twenty- <sup>c. 114, s. 2.</sup> amended. sixth lines thereof, and by striking out the words "Directresses or" in the twenty-seventh line of the said section.

**3.** Section 3 of the said Act is amended by striking out <sup>24 Vic.</sup> the words "Directresses and" in the first, seventh and four- <sup>c. 114, s. 3.</sup> amended.teenth and fifteenth lines of the said section, and by striking out all the words between the words "and at such meetings"

in the fifteenth line and the word "persons" in the twenty-first line of the said section; and by striking out the words "with the Directresses" in the twenty-eighth line of the said section.

4. Section 4 of the said Act is amended by striking out the words "Directresses and" in the first, fifth and eighth and ninth lines of the said section.

5. The said Act is amended by adding thereto the following section:—

### Election of President and Vice-Presidents.

4a. The Managers may elect from their number a President and three Vice-Presidents of the said Corporation and may fill from among the duly qualified subscribers to the said Institution any vacancy or vacancies which may occur in the Managers during the interval between any annual meetings.

## CHAPTER 144.

## An Act respecting the Upper Canada Religious Tract and Book Society.

*Assented to 6th May, 1913.*

**W**HEREAS The Upper Canada Religious Tract and <sup>Preamble.</sup> Book Society was incorporated by an Act of the late Parliament of Canada, passed in the 18th year of the reign of Her late Majesty, Queen Victoria, chaptered 230, for the purpose of disseminating through Upper Canada Religious Tracts and Books at the lowest possible prices, and gratuitously to such as have not the means of paying therefor; and whereas by an Act of the Legislature of the Province of Ontario, passed in the 58th year of the reign of Her late Majesty, Queen Victoria, chaptered 123, the said Society was granted power to carry on its work in any part of the world, and certain additional powers were conferred on the said Society of taking and holding real and personal estate and for disposing of the same; and whereas by an Act of the Legislature of the Province of Ontario, passed in the 5th year of the reign of His late Majesty, King Edward the Seventh,\* chaptered 128, certain additional powers were conferred on the said Society for the purpose of promoting the material, moral and social welfare of sailors; and whereas, by an Act of the Legislature of the Province of Ontario, passed in the 9th year of the reign of His late Majesty, King Edward the Seventh, chaptered 161, the said Society was given certain powers to erect buildings and borrow money for the purposes of improving, extending or re-constructing buildings situated on certain lands therein specified; and whereas by Supplementary Letters Patent under *The Ontario Companies Act*, dated the 15th day of April, 1910, the provisions contained in section 1 of the said Act of the late Parliament of Canada incorporating the Society were amended by providing that the net issues, rents and profits arising from the real, personal and territorial acquisition of the Corporation should not at any time exceed the annual sum of Twenty-five thousand dollars (\$25,000); and whereas the said Society desire authority to enlarge and extend the

the scope of its operations, in accordance with the purposes named in its Act of Incorporation, and in the various other Acts above mentioned, and for these purposes to borrow money upon the security of the land which it now holds, and of any other real and personal property which it may in the future acquire; and whereas the said Society has by its Petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said Petition.

THEREFORE, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
erect build-  
ings and  
borrow  
money.

**1.** The said Society may build on any lands now held or hereafter acquired by it by purchase, lease, gift or in any other way, such buildings and erections as they may deem expedient, and may enlarge, improve and extend or re-construct any building now situated on any such land, or hereafter erected, and for the purposes aforesaid may borrow money, issue bonds, debentures, or other securities, and secure any bonds or debentures or other securities or any liability of the Society by charge, mortgage or pledge of any or all of the real or personal property of the Society.

Expenses of  
the Act.

**2.** The expense of obtaining this Act may be defrayed by the said Society out of the money of the said Society.

## CHAPTER 145.

An Act to Incorporate Evangelical Lutheran  
Seminary of Canada*Assented to 6th May, 1913.*

**W**HEREAS a petition has been presented by the per-Preamble.  
sons hereinafter named, praying that they be con-  
stituted a corporation for the purposes and with the powers  
herein mentioned and it is expedient to grant the prayer  
of said petition.

THEREFORE, His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of On-  
tario, enacts as follows:

**1.** The persons hereinafter named and their successors in<sup>Incorporation.</sup>  
office are hereby constituted a corporation under the name  
of "Evangelical Lutheran Seminary of Canada" herein-  
after referred to as "the Corporation," for the purposes  
and with the powers herein mentioned.

**2.** The following persons shall constitute the first Board<sup>Board of</sup>  
of Governors, namely: Governors.

Rev. Emil Hoffman, Rev. Frederick Veit, Rev. Hermann  
Weigand, John W. Bartmann, A. L. Bitzer, Rev. J. A.  
Miller, Rev. Jacob Maurer, Rev. M. J. Bieber, Charles H.  
Stiver, E. A. Bartmann, the first five representing the Evan-  
gelical Lutheran Synod of Canada and the last five the  
Evangelical Lutheran Synod of Central Canada.

**3.** The members of the said Board shall hold office until<sup>Term of</sup>  
the appointment of their successors as hereinafter provided<sup>office.</sup>  
and thereafter the persons so appointed and their successors  
shall compose the Corporation.

**4.—(1)** The subsequent members of the Corporation<sup>Appoint-</sup>  
shall be appointed as follows: the Evangelical Lutheran<sup>ment of</sup>  
Synod of Canada shall appoint five members, three clergy-<sup>subsequent</sup>  
member.  
men

men and two laymen and the Evangelical Lutheran Synod of Central Canada shall likewise appoint five members, three clergymen and two laymen, the said members to be appointed at the annual meeting of the said appointing bodies.

(2) The said respective bodies when making the first appointment shall severally appoint the full number to which they are entitled and shall determine who of the clergy shall serve for a three, two or one year period and who of the lay members shall serve for a two or one year period.

(3) Such bodies shall subsequently at the said meetings appoint one-third of the clerical members and one-half of the lay members to which they are respectively entitled and in addition shall fill any vacancy that may have occurred in their representation.

(4) The Board of Governors may provide for temporarily filling any vacancy, the person temporarily appointed to hold office until the next annual meeting.

(5) The term of office of each clerical member shall be three years and of each lay member two years, except where a member is appointed to fill a vacancy, in which case such appointment shall be for the remainder of the term of his predecessor.

Members  
of Board to  
hold office  
until suc-  
cessors  
appointed.

5. The Board of Governors shall not be dissolved by the failure of any Synod in any year to appoint members of the Board, but the persons heretofore appointed shall continue to constitute the Board of Governors until their successors are appointed.

Powers.

6. In addition to the powers conferred upon the Corporation by paragraph 27 of Section 7 of *The Interpretation Act*, the Corporation shall have power to establish and carry on colleges, schools and seminaries for the education of youth and dormitories, boarding houses and other accessories in connection therewith.

Power to  
acquire and  
hold land,  
etc.

7. The Corporation may acquire and take by purchase, lease, gift, devise, bequest or otherwise and may hold lands or tenements or interests therein, and personal property not exceeding in the whole the value of \$50,000, and the provisions of *The Mortmain and Charitable Uses Act* shall apply, except that the period within which the land shall be sold shall be seven years instead of two years, and that it shall not be necessary to sell any land now or here-

after



after acquired which is actually and *bona fide* held, used and occupied for the purposes of the corporation.

8. The Board of Governors may for the purposes of the Corporation and no others, borrow money from time to time and secure its repayment in such manner and by such means as the Board may deem expedient. Borrowing powers.

9. The Board of Governors may from time to time invest its surplus funds upon such securities as Trustees are by law authorized to invest trust funds and for such purpose may take, receive and accept mortgages and assignments thereof and shall have and enjoy the same and have the same power and rights of sale and foreclosure, action and suit for the purpose of enforcing covenants, stipulations, conditions and agreements and all matters and things contained in such mortgages and may assign, release and discharge such mortgages or any of them either wholly or partly. Investment of funds.

10. All deeds, mortgages, leases, discharges, assignments and other instruments required to be made or entered into by the corporation shall be considered to have been duly executed when authenticated by the affixing of the Corporate Seal of the said Corporation and by the signatures of the President and Treasurer for the time being of the said Board of Governors. Execution of deeds, etc., by corporation.

11. Each of the above mentioned Synods shall contribute such proportion of the cost of establishing and maintaining the colleges, schools or seminaries of the said Corporation as the Board may decide. Apportionment of cost of maintenance.

12. The powers of the Corporation shall be exercised by the Board of Governors which may make and pass by-laws, resolutions, rules and regulations not contrary to law or to the provisions of this Act with respect to the conduct and management of the purposes and affairs of the Corporation and the exercise of the powers hereby conferred including the calling of meetings of the Board, the quorum and procedure in all things at such meetings, the appointment, functions, duties and removal of all officers, agents and servants and their remuneration and the management and administration of its colleges, schools and seminaries and of all matters and things connected therewith and the Board may confer upon the officers and persons employed in connection with the undertaking of the corporation such powers of administration and discipline as it may think necessary. Power to pass by-laws, rules, etc.

## CHAPTER 146.

## An Act respecting the Methodist Church.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS a Petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

47 V. c.  
88, s. 2,  
amended.

**1.** Section 2 of *The Methodist Church Act*, 1884, is hereby amended by adding at the end thereof the following words: “or in any Act of the Parliament of Canada amending the same.”

47 V. c.  
88, s. 3,  
amended.

**2.** Section 3 of the said Act is hereby amended by adding thereto the following words:

“And such trustees and their successors from time to time appointed under the provisions of the said Schedule A may also receive, hold, use, administer and dispose of any property, real or personal, devised, bequeathed, given or transferred to them for the special use of the said congregation, circuit, station or mission, by way of endowment or otherwise, in accordance with the trusts declared in the will, deed or other instrument creating such trust, and not contrary to the by-laws, rules and regulations of the said corporation; and in the event of the failure or partial failure of any trusts so declared, the same may be held, used, administered or disposed of for such purposes and in such manner, from time to time provided by the by-laws, rules or regulations of the said corporation, as are not inconsistent with this Act.”

47 V. c.  
88, amended.

**3.** The said Act is further amended by inserting the following section, after section 6 thereof:—

“ 6a

"6a. The said corporation or any body corporate, created under the provisions of the said Act of Incorporation or any amendment thereof or any trustees holding any property, real or personal, upon the trusts set forth in Schedule "A," hereto, or any amendment thereof may in the manner authorized by the by-laws, rules or regulations of the said corporation and notwithstanding anything contained in said Schedule give, grant, convey or otherwise alienate any property, real or personal, held by them respectively, to any other church, corporation or missionary organization, or any trustees thereof, in pursuance of any agreement or understanding entered into, with such church, corporation, or missionary organization, for co-operation in carrying on religious work."

Power to convey property to other churches or corporations.

4. Paragraph 16 of Schedule "A." of the said Act is hereby amended by adding after the word "Conference" in the 62nd line of column two the words "or to such other purposes as the said Annual Conference may from time to time determine under the rules and regulations of the General Conference."

47 V. c. 88, par. 16, Sched. 'A,' amended.

5. Paragraph 21 of Schedule "A." of the said Act is hereby amended as follows:—

47 V. c. 88, par. 21, Sched. 'A,' amended.

(a) By inserting between the words "distance" and "as" in the 16th line of column two thereof the words "or shall fail to attend the meetings of the trustees for such period not less than one year nor embracing less than three consecutive meetings."

(b) By inserting after the word "co-trustees" in the 18th line of column two thereof the words "at a meeting duly called to consider the matter."

(c) By inserting after the word "Church" on the 22nd line of column two thereof the words "failing to attend."

(d) By inserting after the word "and" in the 25th line of column two thereof the words "thereupon and from time to time as a vacancy or vacancies shall occur, the surviving or remaining trustee or trustees may by a two-thirds vote reduce the number of the trustees by one or more up to the

number

number of such vacancies, provided the number remaining shall be not less than five, but should such resolution not be passed by the said surviving or remaining trustees such vacancy."

47 V. c. 88,  
par. 22,  
Sched. 'A.'  
amended.

6. Paragraph 22 of Schedule "A." of the said Act is hereby amended by adding after the word "quorum" the words "save when the number of trustees exceeds nine, when five shall form a quorum."

Trusts upon  
which  
property  
to be held.

7. All property real or personal now held by trustees under the provisions of Schedule "A." of the said Act shall hereafter be held by the said trustees upon the trusts set out in the said schedule as amended by this Act; and the said Trustees shall be entitled to exercise all the rights and powers conferred upon trustees by the said schedule as amended by this Act.

## CHAPTER 147.

An Act to Incorporate The British Methodist  
Episcopal Church.*Assented to 6th May, 1913.*

**W**HEREAS the Reverends Samuel R. Drake, Herbert Preamble  
D. Wright, Robert Brown, Solomon A. Lucas and  
Richard A. Ball, by their Petition, have represented that the  
British Methodist Episcopal Church has been carrying on  
Church work under the said name in the Province of Ontario  
since the 29th day of September, 1856, and is now carrying  
on Church work under the provisions of the discipline adopted  
by the General Conference of the said Church in July, 1890,  
and amendments thereof made by the said General Confer-  
ence since the said date, that it has now under its government  
and control 19 churches in the Province of Ontario, and that  
the said British Methodist Episcopal Church is now desirous  
of being incorporated with the powers hereinafter set out;  
and whereas it is expedient to grant the prayer of the said  
Petition;

THEREFORE HIS MAJESTY, by and with the advice  
and consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

1. The Rev. Samuel R. Drake, General Superintendent, Incorporation of  
the Rev. Herbert D. Wright, Secretary of the General Con- British  
ference, and the Rev. Robert Brown, Solomon A. Lucas and Methodist  
Richard A. Ball, and all other ministerial and lay members Episcopal  
of the General Conference of the British Methodist Episcopal Church.  
Church, together with all persons who are now or who may  
become ministers and members of the said Church are hereby  
constituted and declared to be a body corporate and politic,  
by the name of "The British Methodist Episcopal Church."

2. The Doctrine and Discipline of the British Methodist Doctrine  
Episcopal Church adopted by its General Conference at To- and Dis-  
ronto in July, 1890, and published in book form by Rev. cipline.  
William Briggs, in 1892, as amended by the said general Con-  
ference since the said date, and under which the said Church  
has

has been and is now governed, shall continue to be the Doctrine and Discipline governing the said Church, but the same or any part thereof may be added to, amended or repealed, at any time, by the General Conference of the said Corporation, in accordance with the said Discipline.

Property  
vested in  
corporation.

**3.** All the estate, real and personal, belonging to, held in trust for, or to the use of the said British Methodist Episcopal Church, or belonging to or held in trust for, or to the use of any corporation, person or persons under the government or control of the said Church, is hereby vested in the said corporation, and shall be used and administered for its benefit.

Property  
held in  
trust for  
congrega-  
tions vested  
in corpora-  
tion.

**4.** All the property real and personal, under the jurisdiction of the Province of Ontario, held by or in trust for or to the use of any congregation or congregations, circuit, station or mission of the said Church, more particularly described in Schedule "D" to this Act in whatever name it may be held, is hereby vested in the said corporation, and shall be held for the use of the said congregation or congregations, circuit, station or mission in connection with the said British Methodist Episcopal Church, upon the trusts and subject to the provisions set forth in Schedule "B" of this Act; and all lands and premises acquired by or for the said corporation for a church, chapel, meetinghouse, parsonage, school building, or burial ground in connection with any congregation or congregations, circuit, station or mission, shall be held, used and administered upon the said trusts, and the respective trustees thereof shall hold, use and administer the same in trust for the said corporation upon the trusts set forth in the said Schedule.

Short form  
of convey-  
ance.

**5.** In any deed or conveyance to said trustees, the form of words contained in column 1 of Schedule "B," hereto, and distinguished by any number therein, shall be taken to be equivalent to the form of words contained in column 2 of said Schedule and distinguished by the same number.

Filing of  
declaration  
as to  
trusts on  
which land  
is held.

**6.** For the purpose of giving effect to the provisions of this Act, the trustees of the several congregations of the British Methodist Episcopal Church in Ontario may register in the Registry office for the City, County or District, or Division, where the lands are situated, a declaration signed by the majority of the said trustees in the form or to the effect set out in Schedule "C" hereto.

Power to  
acquire  
and hold  
land.

**7.** The said corporation may receive voluntary conveyances of, and may purchase, hold and convey such real estate as the purposes of the corporation require.

8. The said corporation shall be capable of taking, holding<sup>Devises to corporation.</sup> and receiving any real or personal estate by virtue of any devise contained in any last Will and Testament of any person.

9. The said corporation shall have authority to alienate, exchange, demise, let or lease for any term of years, such lands<sup>Power to alienate lands devised, etc.</sup> and tenements as shall be given, granted, purchased, appropriated, devised or bequeathed to the said corporation for all or any of the purposes thereof.

10. The provisions of this Act shall be subject to<sup>2 Edw. VII. c. 58 to apply with a variation.</sup> *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years and that it shall not be necessary to sell any land now owned or hereafter acquired which is actually and bona fide required for the purposes of the corporation.

11. The corporation in receiving, taking or holding any property heretofore held by trustees for any congregation of the said British Methodist Episcopal Church, shall not in any<sup>Corporation not to be liable for debts of trustees.</sup> wise become responsible or liable for the debts or obligations which have been contracted in respect thereto, but the property specially charged with the said debts, and persons who have become liable in respect to the said debts or obligations, shall remain liable in the same manner and to the same degree as if this Act had not been passed.

12. The said corporation may, for the purpose of invest-<sup>Powers as to investing money.</sup> ment lend money upon the security of real estate, purchasing debentures of municipal or public school corporations, or Dominion or Provincial stock or securities, may sell any such securities as to it may seem advisable, and for that purpose, may execute such assignments or other instruments as are necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate upon any of the above mentioned securities at such rate of interest, not exceeding eight per cent. per annum as is agreed upon; provided, however, that nothing in this Act contained shall be construed to limit the power of such corporations to make such investments of its capital or surplus income which it otherwise has by virtue of its corporate existence.

13. The said corporation shall have power to borrow any sum or sums of money from banks or other corporations, or<sup>Borrowing powers.</sup> from private persons, as in the opinion of the General Con-



ference or the board or committee having charge of any of the funds of the said corporation, may be required for the purposes thereof, and may, under the direction of the said General Conference or committee having charge of such fund, hypothecate, mortgage or pledge so much of the real or personal property held in trust for such fund as is necessary to secure any sum or sums of money so borrowed.

Power to  
remove  
officers and  
change dis-  
cipline.

**14.** The said corporation may from time to time appoint, and, as they see occasion, remove all officers, agents and servants, and from time to time make, alter or vary any provision of the said discipline and amendments thereto touching and concerning the time and place of holding meetings and notices thereof, and for the good ordering, discipline and government of the said Church, and the performance of Divine worship in any of the churches of the said corporation, and all matters respecting the same, and all other matters and things which to them seem good, fit and useful for the well ordering, governing and advancement of the said Church.

Appoint-  
ment of  
boards and  
committees.

**15.** The said corporation may appoint boards or committees composed of the members thereof, to take charge of or deal with and dispose of the respective funds, including book and publishing interests and other interests belonging to the said Church, and may establish such other funds as may be deemed expedient, and may appoint boards or committees of the members of the said corporation to take charge of, deal with and dispose of the said funds so formed.

Seals for  
annual  
conference.

**16.** The corporation may provide a duplicate of the seal thereof for each of the annual Conferences from time to time existing, and the custody of the said seal shall be as may be directed by the General Conference of the said corporation, and the same may be affixed by such officers as the said Conference by resolution directs; and, until such direction, the same may be affixed to any conveyance of property within the bounds of any of the said annual Conferences by the President or Secretary of such annual conference and may, for the purpose of conveying any property in charge of any board or committee of the said corporation, be affixed by the chairman of said board or committee or such other officer as the board or committee directs.

Effect of  
resolutions  
of general  
conference.

**17.** All resolutions passed by the General Conference of the said corporation shall have the force and effect of by-laws and no formal by-law shall be required for the purpose of managing the affairs of the said corporation.

Schedules  
to be  
deemed  
part of  
Act.

**18.** The Schedules hereto and the directions and forms contained therein shall be deemed part of this Act.

Short  
title.

**19.** This Act may be cited and referred to as *The British Methodist Episcopal Church Act, 1913.*

## MODEL DEED.

## SCHEDULE "A."

This Indenture made (in Duplicate) the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_ in pursuance of "The British Methodist Episcopal Church Act, 1913" and in pursuance of the Act respecting the "Short forms of Conveyances Act." Between (here insert the names, places of residence, and description of the grantors, parties barring dower or other estates, and recitals, if any, and describing the grantees giving their names, and the usual additions, as the trustees of the \_\_\_\_\_ congregation of The British Methodist Episcopal Church). Whereas the said congregation being desirous of taking a conveyance of the land hereinafter described for the purposes hereinafter mentioned, have appointed the said trustees in order that such land may be conveyed to them. Now therefore, this Indenture witnesseth that in consideration of the sum of \_\_\_\_\_ dollars of lawful money of Canada now paid by the said trustees to the said grantor (the receipt whereof is hereby acknowledged) the said grantor do \_\_\_\_\_ grant unto the said trustees and their successors in the said trusts, all etc., (parcels) To have and to hold the said parcel or tract of land and premises unto and to the use of the said trustees and their successors in the said trust forever by the name of the Trustees of the \_\_\_\_\_ congregation of the British Methodist Episcopal Church upon the following trusts (here set out the trusts, provisoes, covenants and other provisions) \_\_\_\_\_ In witness whereof said parties hereto have hereunto set their hands and seals.

## SCHEDULE "B."

## DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine or the plural number for the singular in any of the forms in the first column of this schedule and corresponding changes shall be taken to be made in the corresponding forms in the second column.

## COLUMN ONE.

## COLUMN TWO.

- |   |  |
|---|--|
| <p>1. Upon Trust 1. Upon trust, that the trustees and their successors, shall to build a when requested by a majority of the members of the Church church and present at a meeting called for the purpose in accordance with other build-the provisions of the Discipline in that behalf, out of the money ings. now or which may hereafter be possessed by them or him for that purpose, and as soon as conveniently may be, erect and build upon the land held in trust or some part thereof and, from time to time, whenever it shall be necessary, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, school-room or school-rooms and other offices, conveniences and appurtenances, provided that ordinary and necessary repairs and alterations may be made without the request or approval of the members of the Church.</p> | <p>2. To permit 2. And upon further trust, from time to time, and at all times buildings to be after the erection thereof, to permit and suffer said Church or used as a place of religious worship, with the appurtenances, to be used, oc-Church by the cupied and enjoyed, as and for a place of religious worship by a British Metho-congregation of the British Methodist Episcopal Church and for dist Episcopal public and other meetings and services of a religious or spiritual Church. character, held according to the Rules, Discipline and general</p> |
|---|--|

COLUMN ONE

## COLUMN ONE.

## COLUMN TWO.

usages of the said Church; and every Church, meeting house or place of worship which shall be erected as aforesaid, shall be used, kept and maintained and disposed of as a place of Divine worship for the use of the ministry and membership of the British Methodist Episcopal Church in Canada, subject to the Discipline, usages and ministerial appointment of said Church as from time to time authorized and declared by the General Conference of said Church and by the Annual Conference, within whose bounds the said premises are situated, and if sold the proceeds shall be disposed of and used in accordance with the provisions of the Discipline, and the trustees, shall, at all times, permit such ministers, belonging to the British Methodist Episcopal Church, and only such, as shall, from time to time, be duly authorized by the General or Annual Conference, or appointed by the General Superintendent, to preach and expound, in and upon the trust premises, God's Holy Word, to execute the discipline of the Church and to administer the Sacrament therein, in accordance with the provisions of said Discipline.

3. To permit 3. And upon further trust, to permit such minister or minister dwelling house of the British Methodist Episcopal Church to reside in, on the said use, occupy and enjoy, free from rent, the dwelling house or premises to be dwelling houses with the appurtenances (if any there be) erected used by the thereon for that purpose, during such time as the said minister Minister in or ministers shall be duly authorized so to do by being appointed, charge.

in accordance with the rules and discipline of the said Church, to the circuit or station in which the same may be situated, without hindrance by the trustees or of any person or persons on their or any of their behalf, and the times and manner of the various services, and ordinances of religious worship to be observed and performed in the said place of religious worship shall be regulated according to the rules and Discipline and general usages of the said Church; and that the officiating minister for the time being, whether appointed by the Conference or permitted or appointed by the General Superintendent, shall have the direction and conduct of the said worship in conformity to the said rules and Discipline, and general usages of the said Church. Provided that no person or persons shall be permitted to preach or expound God's Holy Word, or to perform any of the usual acts of religious worship upon the said parcel or tract of land or in the said Church, place or places of religious worship who shall maintain, promulgate or teach any doctrine or practice contrary to what is contained in certain notes on the New Testament, commonly reputed to be the notes of John Wesley. and in the first four volumes of sermons, commonly reputed to be written and published by him.

4. To permit 4. And upon further trust, in case a school-room or school-Sunday Schools rooms shall be erected upon the said land, or any part thereof, to be carried or if there shall be no separate school-room or school-rooms, and on in said it shall, by the trustees or a major part thereof, be thought Church.

necessary or expedient, to hold and teach a Sunday School in any proper part of the said Church or place of religious worship, then to permit a Sunday School to be held, conducted and carried on, from time to time, in said school-room or school-rooms; or if it shall be thought necessary or expedient as aforesaid, in the said church or place of religious worship; but if in the said church or place of religious worship then only at such hours and times as shall not interfere with the public worship of Almighty God therein, and in all cases, whether in said church or place of religious worship or not, under such government, orders and regulations as the General Conference of the said church have directed or appointed or shall hereafter, from time to time, direct or appoint, and also subject always to the proviso hereinbefore contained respecting Doctrines.

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5. To take down and rebuild. 5. The trustees or the major part of them, when, and so often as they shall deem the same necessary or expedient (but subject always to the approval of the members of the Church, expressed by a majority vote at a meeting convened for that purpose) may take down and remove the said church, school-room or school-rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances, for the purpose of rebuilding or enlarging or altering the same or all or any of them so as to render the premises better adapted for the due accomplishment of the trust intents and purposes of these presents.

6. To mortgage with consent of the members of the Church, expressed by a majority vote, at a meeting called for that purpose in accordance with the provisions of the Discipline in that behalf, may convey in fee or for any term or terms of years, the said land, and premises or any part or parts thereof respectively to any person or persons for securing such sum or sums of money as may be requisite for the due execution of the trusts and purposes of these presents or any of them; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, to enquire into the necessity or propriety of any mortgage or mortgages which shall be made by virtue of these presents, nor shall anything which may be contained in any such mortgage or mortgages, extend or be construed (unless where the contrary shall, with the full knowledge and consent of the said trustees, or the major part of them, be therein actually expressed) to hinder or make unlawful the taking down, removing, enlarging, or altering the said buildings and premises or any of them respectively, as in these presents before mentioned and provided for in that behalf nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, or her, or their heirs, executors, administrators and assigns shall not be in the actual possession of the mortgaged premises.

7. To sell graves and tombs and to let dwelling houses. 7. And upon further trust, if there shall be a cemetery or burial ground, to let vaults or tombs at reasonable rents, or to sell graves and tombs at reasonable prices, and upon such conditions and with such restrictions, as they think best, and to collect the rents, profits, and income to arise from the said premises for the purpose of the said trust estate, and if there shall be any dwelling house or dwelling houses upon the premises which shall not be required or suitable for the minister or ministers of the circuit or station, the trustees, may, with the consent of the minister in charge of the circuit or station, let the same and use the rent towards paying the board and lodging of such minister or ministers or towards paying the rent for a more suitable residence or residences or towards his or their support.

8. Trustees to hold moneys arising therefrom upon trust to pay Church for other purposes than the trust estate, such as collections and subscriptions expressly for minister's support, and for Connexional funds or other benevolent purposes) upon repairs, also in trust thereout to pay in the first place such taxes and other outgoings, if any, as from time to time shall be lawfully payable in respect of the said premises or any part or parts thereof and also the cost of insuring and keeping insured the said trust premises against loss or damage by fire in such sum or sums as the trustees or the major part of them shall, from time to time think proper, and in repairing and keeping the said trust prem-

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ises in good repairs and likewise the interest of all principal money borrowed; and then to reimburse themselves respectively, all expenses lawfully incurred and paid by them in or about the due execution of the trusts hereof or any of them and in the next place thereof to pay and discharge the necessary expenses from time to time incurred in cleaning, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts hereof or any of them and not included in any of the provisions aforesaid.

9. To apply 9. And upon further trust to pay and apply any surplus money surplus to-remaining after the due payment of all such lawful debts and wards pay-expenses as aforesaid (but according and in conformity to the ment of minis-rules and Discipline of the said British Methodist Episcopal ters in charge, Church) for or towards the support of minister or ministers ap-assisting fundspointed by the said Conference or otherwise as aforesaid either of otheron the circuit on which the said place of religious worship shall churches build-for the time being be situated or on that and some other cir- ing newcuit or circuits or in some other circuit or circuits only, or for or churches, ortowards the purpose of assisting or increasing the funds of any contributing toother church or place of religious worship appropriated to the charities.

use of the said Church, or in building any new church or place of worship for the use of the said Church and which shall be settled upon trusts similar hereto or in subscribing or giving to any of the general funds, objects, or charities of the said Church or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned in such manner as the trustees or the major part of them shall from time to time think necessary or expedient, and the trustees or the major part of them (although there shall not then be any such surplus money as aforesaid) may from time to time subscribe or give such sum or sums of money as they shall think necessary or expedient, and which may be conveniently spared from the funds of the said church or place of religious worship, for or towards all or any of the purposes, objects or funds or charities as aforesaid.

10. To keep 10. The trustees, themselves, or by their secretary or treasurer books of ac- shall keep a book or books of account in which shall be plainly count and sub- legible and regularly entered an account of every receipt by mit the samethem, him or any of them, received or made and also of all fr- audit debts and credits due to and owing from or in any respect of

the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full understanding of the said book or books of account and shall also in like manner keep a book or books of minutes in which, from time to time, shall be plainly legible and regularly entered minutes of all trustee meetings held under or by virtue of these presents and of all resolutions passed and of all proceedings, acts, and business done thereat, and also of all documents, matters and things necessary for the due and full understanding of the minutes and all other things done in and about the execution of the trusts hereof. And shall and will at all seasonable times hereafter, upon the request of the minister in charge, for the time being, of the circuit or station in which the said Church or place of religious worship shall be situated, produce and show to him and to every person whom he shall desire to see the same all and every such book or books of account and minutes, documents, articles, matters and things, and permit and suffer abstracts of or extracts from them or any of them to be made and taken by the said minister in charge or any person or persons whom he shall from time to time desire to make and take the same; and the said book and books of ac-



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counts and minutes and all documents, articles, matters and things relating in any wise to the said trust premises, shall, at least once a year and oftener if the said minister shall desire, and shall give notice thereof in manner hereinafter mentioned, be regularly, upon a day to be appointed by the said minister or with his concurrence, examined and audited by the General Superintendent or the stewards of the circuit or station in which the said Church or place of religious worship shall be for the time being, situated, at a meeting convened for that purpose; and of every such meeting, fourteen days notice in writing specifying the time, place and purpose of such meeting, shall be given under the direction of the said minister or by any one or more of the said trustee or trustees, for the time being, to each and every other and others of them, either personally served upon him and them respectively or left for, or sent by post to him and them, at his and their most usual place and places of abode or business and in order to facilitate the auditing of said accounts, minutes, documents, matters and things, it shall be lawful for the said minister, General Superintendent, or stewards of the circuit or station for the time being as aforesaid or either or any of them to appoint in writing a deputy or deputies to act therein for them and him respectively as aforesaid and for that purpose any one or more of them may be the deputy or deputies of the other or others of them, the said minister General Superintendent or stewards, and it is hereby declared that the signatures of all the said auditors, deputies and deputy or of the aggregate majority of them written in the said book or books of accounts and minutes respectively shall be sufficient evidence that all the matters and things relating to the said trust premises which were up to the time included in the said book or books, accounts, minutes and documents, matters and things were duly examined, audited and approved of unless, and except, so far as the contrary shall be by them, or by the aggregate majority of them in writing expressed therein.

11. That a ma- 11. At any meeting of the trustees, the votes of the persons jority of thepresent and entitled to vote, or the votes of a majority of them, Trustees shallshall decide any question, or matter proposed at such meeting rule, and thatand in case the votes shall be equally divided, then the chair- in case of a tie,man shall give the casting vote. And whenever it shall be the chairmanthought necessary or expedient to do anything in and by these shall give a presents directed, authorized or made lawful to be done, the casting vote. necessity or expediency of doing the same, shall, in like manner,

be decided by the persons present and entitled to vote, or by the majority of them and if there shall be an even decision, then by such casting vote as aforesaid; and all acts and deeds done and executed in pursuance of any such decision as aforesaid, shall be valid and binding on all persons entitled to vote at the meeting, who may be absent, or being present, may be in the minority.

12. That the 12. The rules, discipline, and general usages of the said rules, discipl-British Methodist Episcopal Church, in these presents mentioned line, doctrinesor referred to, are the rules and discipline of the said Church and usages of as printed and published by authority of the General Conference, the Church, in a book entitled "Doctrines and Discipline of the British Metho- dist Episcopal Church," and the general usages and practice of the societies belonging to said Church and such rules and shall be in regulations as may from time to time be made or adopted by force subject the said General Conference and printed and published in their to the proviso, journals in accordance with the provisions contained in said respecting doc- book of discipline, but subject at all times to the proviso re- trines herein spected doctrines in these presents contained. contained.

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13. That the minister in charge for the time being, of charge or his circuit or station in which the said Church or place of religious worship shall be situated, or his deputy thereunto by be chairman of the same, shall be the chairman of and shall the meetings of the trustees, meetings held under or by virtue of these presents, but in case but in case of the said minister or his deputy to be appointed as aforesaid, absence of the said minister or his deputy to attend any such meetings as aforesaid may be appointed, or if the minister or his deputy appointed as aforesaid point chair-shall attend but shall refuse to act as such chairman at any man.

such meeting as aforesaid, or if the said minister shall not attend at any such meeting and shall neglect to appoint a deputy as aforesaid, then and in every such case, the persons for the time being composing such meetings and entitled to vote thereat or a majority of them, may choose from among themselves a chairman to preside at any such meeting and every meeting so held upon any such neglect or refusal of the said minister or his deputy as aforesaid, shall be as valid and effectual as if the said minister or his deputy had been chairman thereof and had presided thereat.

14. Proviso for sale of land, with consent of members of Church and Conference.

14. The trustees, shall, when requested by the members of the Church, expressed by a majority vote at a meeting called for that purpose in accordance with the provisions of the Discipline in that behalf, and with the consent of the Annual Conference, (such consent to be testified in writing under the hand of the Presiding Officer or Secretary, for the time being, of the said Conference, either by joining in the deed of conveyance, or by a separate document) sell, and dispose of the said parcel or tract of land, Church or place of religious worship and premises or of such part or parts of the same respecting which such request and consent shall be given; and shall convey the premises so sold to the purchaser or purchasers thereof and the premises so sold and conveyed, as aforesaid, shall thenceforth be held and enjoyed, by the purchaser or purchasers thereof, freed and absolutely discharged from the trusts hereby declared and every of them, and the trustee or trustees, for the time being, shall apply the money, which shall arise from every such sale as aforesaid, so far as the same will extend, to the discharge of all debts and encumbrances lawfully contracted, and shall use the surplus as directed by the members of the Church at a meeting or meetings called for the purpose, in rebuilding or procuring a larger or more conveniently or eligibly situated Church or place of religious worship or parsonage, and the balance, if any, not required for these purposes, shall be paid over to the Financial Board of the Conference. In all cases where Church property is abandoned, or no longer used for the purposes originally designed, the Trustees, if any remain, or the surviving or remaining trustees, or the surviving or remaining trustee, shall on request of said Conference, sell and dispose of the said property and pay over the proceeds to the Financial Board of the Conference. And if it shall happen at any time, that there shall be no surviving or remaining trustee of the said trust, the Annual Conference may appoint a trustee or trustees and the person or persons so appointed shall have the same rights, duties, estates and interest as are given to trustees in and by these presents and in and by any statute or statutes, which may, for the time being, be in force affecting the same.

15. Proviso for sale in case and premises shall be inadequate to meet and discharge the trust premises interest on all moneys borrowed and then owing, on account of shall be inadequate the said trust premises and the various current expenses attend-

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quate to meeting the due execution of the trusts hereof, or if the trustees or and discharge any of them, shall at any time be personally responsible for any interest and ex-sum or sums of money on account of the purchase of the said penses, or trus-premises, or for any building erected thereon, or laid out for tees shall be the necessary purposes of the said Church, parsonage, land or obliged to pay premises, and shall be obliged to pay the same out of his or moneys out of their private means and the said interest, expenses and moneys their personal shall not have been provided by the members of the Church or means.

congregation, the trustees may mortgage or re-mortgage the said land and premises for the purpose of raising money to reimburse him or them, the money so paid for the use of the said Church as aforesaid; or, in their discretion, they may, without the consent of the members of the Church or Annual Conference, sell and absolutely dispose of the said land and premises after the expiration of one year from the time of giving notice, in writing, to the minister or preacher having charge of the said congregation, and the General Superintendent or Secretary of the Conference, of their intention so to do, unless the moneys required for said interest and expenses and for the moneys so paid or advanced by trustees, shall be in the meantime, provided and paid; and in case any such sale shall be made, the purchaser shall not be obliged to see to the application or be responsible for the misapplication or non-application of the purchase money; and the trustee or trustees receiving such purchase money, shall pay, out of the same to the trustee or trustees so advancing or paying money as aforesaid, the amount so paid or advanced and the other debts of the church or society and shall pay the surplus, if any, if not needed and applied for the purchase or improvement of other property, for the use of the said Church, to the Financial Board of the Annual Conference within whose bounds such property is located.

16. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

16. It shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers of the said parcel or tract of land, church or place of religious worship and premises or any part or parts thereof to inquire into the necessity of any mortgage, sale or disposition thereof, or any part or parts thereof or whether any notice or notices was or were duly given or was or were valid or sufficient, or whether any trustee or trustees, or treasurer or treasurers, was or were duly authorized to sign and give receipts therefor, nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers or any of them paying money to such trustee or trustees, treasurer or treasurers, for the time being, as aforesaid, to see to the application or to be answerable or accountable for the loss, misapplication or non-application of such purchase or other money, or any part thereof.

17. That trustees shall not be accountable for involuntary loss.

17. Trustees shall not nor shall any of them, be accountable for any involuntary loss, nor for more money than shall come to their respective hands, nor for injury done by others to the said trust premises, or to any part or parts thereof.

18. To fix quorum.

18. It is hereby declared that a majority of the trustees shall form a quorum, all having been duly notified, and when a majority vote is required for any purpose it shall be held to mean a majority of any such meeting.

19. To fix time for placing financial statement before the Quarterly Official Board meeting.

19. A full and accurate financial statement, duly audited, shall be laid before the fourth Quarterly Official Board meeting of each year previous to the sitting of the Annual Conference.

## SCHEDULE "C."

Declaration made in pursuance of section 6 of The British Methodist Episcopal Church Act, 1913, passed in the third year of the reign of His Majesty King George V. and chaptered 147, Know all men by these presents, that whereas we (setting out the names of trustees or majority of trustees holding lands) hold the lands and premises hereinafter described as trustees for the British Methodist Episcopal Church, we in pursuance of the provisions of section 6 of the said Act passed in the third year of the reign of His Majesty King George V. and chaptered 147, do hereby declare that from and after the date of the registration hereof, we hold the said lands and premises under and subject to the provisions of schedule B to the said Act, under the name of Trustees of the congregation of the British Methodist Episcopal Church, and the said lands and premises are described as follows, that is to say (insert description) In witness whereof we have hereunto set our hands and seals this

day of A.D. 191

Signed, sealed and delivered in  
duplicate in the presence of

## SCHEDULE "D."

1. *Toronto*.—Lot 12, on the West side of Chestnut Street, in the City of Toronto, according to Plan No. 147, as described in a deed from the Hon. John Beverley Robinson and wife to John Hooper and others, trustees, registered January 31st, 1845, as No. 24012.

2. *Windsor*.—Part of Lot 68, on the west side of McDougall Street, Windsor, as described in a deed from Augustus Tregent to Wiley Reynolds and others, Trustees, registered in Essex Registry Office, April 13th, 1854, as No. 38.

3. *North Buxton*.—Part of the north-west half of Lot 10, in the eighth Concession of the Township of Raleigh, in the County of Kent, as described in a deed thereof from Jacob Gunn and wife to Green, Doo, and others, Trustees, registered in Kent Registry Office on February 26th, 1866, as No. 103, for the Township of Raleigh. Also parsonage on Centre Road.

4. *St. Catharines*.—Lot 45, Block D, on Geneva Street, Plan 24, as described in a deed thereof from William Hamilton Merritt and Oliver Phillips to Henry Ballard and others, Trustees, registered in Lincoln Registry Office on June 12th, 1848, as No. 751.

5. *London*.—The east half of Lot 12, on the north side of East Gray Street, London, as described in a deed from Thomas Tambling and wife to Moses Lane and others, Trustees, registered December 5th, 1864, as No. 3118.

6. *Brantford*.—That part of Lot 46, fronting on Murray Street, held by trustees for the British Methodist Episcopal Church.

7. *Guelph*.—The south-westerly half of Lot 383, in the Canada Company's survey of Guelph, as described in a deed between Thomas Shaw and others and Hugh Arthur Smith and others, registered in Wellington Registry Office on March 12th, 1896, as No. 6502.

8. *Stratford*.—Lot 176, on William Gordon's survey, as described in a deed from John Idington and wife to William Cromwell and others, Trustees, registered in the Registry Office for the North Riding of the County of Perth on July 19th, 1906, as No. 26634.

9. *Woodstock*.—Lot Two, north side of Park Row, Woodstock, as described in a deed from Robert N. Light et al, to Daniel G. Anderson and others, Trustees, registered in Oxford Registry Office, May 4th, 1888, as No. 8741.

10. *Dresden*.—Town Lot 2, in Block F, on Parr's Survey, Dresden, as described in a deed from Thomas Ritchie and wife to Everett C. Richey and others, Trustees, registered in Kent Registry Office on February 11th, 1887, as No. 3709.

11. *Harrow*.—Part of Lot 12, in the Gore in rear of the First Concession of the Township of Colchester south, as described in a deed thereof between Eldred Barrett and others, Trustees, and Rev. William Henry Haynes, registered in Essex Registry Office on May 31st, 1881, as No. 397.

12. *Fort Erie*.—Lot 17 on the south side of Murray Street as described in a deed thereof from Thomas Brown and wife to Dudley Berry and others, Trustees, registered in Welland Registry Office on February 14th, 1874, as No. 263.

13. *Niagara Falls*.—Part of the westerly part of Lot 3, on the south side of Pier Street and west of Gray Street, as described in a deed thereof, between Oliver Pernell and wife, and Charles Griffin, registered in the Welland Registry Office on December 4th, 1893, as No. 819.

14. *Ingersoll*.—Lot 9, south of Catharine Street in Block R., Carnegie's survey, as described in a deed thereof from William Carnegie to Benjamin Hughes and others, trustees, registered in Oxford Registry Office on November 28th, 1870, as No. 774.

15. *Collingwood*.—Lot 29, on Seventh Street, Collingwood, as described in a deed from George Watson and wife to William B. Lee and others, registered in Simcoe Registry Office, August 23rd, 1873, as No. 73522.

16. *Owen Sound*.—Part of Lot 5 on the west side of West Street, Owen Sound, as described in two deeds to Trustees, registered in Grey Registry Office on February 13th, 1911, and June 19th, 1911, as Numbers 20132 and 20642.

17. *Peel*.—Country Church and burying ground in the Township of Peel in the County of Wellington.

18. *Puce*.—Country Church in the Township of Maidstone, in Essex County.

19. *Simcoe*.—The east half of Lot 7, in Block 100, Plan 20 B, on the north side of Chapel Street in the Town of Simcoe, as described in a deed from Frances G. Stanton and wife, to Isaac Dorsay and others, Trustees, a memorial of which was registered in Norfolk Registry Office, on August 8th, 1859, as number 14373.

Also all parsonages and burying grounds used in connection with the Churches erected on the lands above described, whether such parsonages and burying grounds are or are not covered by the descriptions above set out.

## CHAPTER 148.

An Act to Incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Ontario.

*Assented to 6th May, 1913.*

Preamble.

**W**HEREAS in the Province of Ontario, the Ruthenian Greek Catholic Parishes and Missions in communion with Rome are included in and form a part of the Diocese of Canada of the Ruthenian Greek Catholic Church, and the property of the said Parishes and Missions is under the care and management of the Bishop of the said Diocese; and whereas the said Bishop, wishing to be assisted in the management of the said property, has to that effect prayed for the Incorporation of the said Parishes and Missions; and whereas it is expedient to grant the said prayer, and to secure thereby to the said Parishes and Missions the advantages prayed for;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of parishes and missions.

**1.**—(1) Any Parish or Mission of the Ruthenian Greek Catholic Church in communion with Rome shall upon and from the fact of its canonical erection by the Bishop or Administrator of the Diocese of Canada of said Church, be and become a body politic and corporate, under the name of the “Ruthenian Greek Catholic Parish of \_\_\_\_\_,” or (“Ruthenian Greek Catholic Mission of \_\_\_\_\_”), according to the name given it at the time of its canonical erection, and shall have perpetual succession and a common seal, with power to change, alter, or renew said seal as often as it may see fit, and by such name have all the powers and privileges possessed by or given to corporations under this Act, and under said name may sue and be sued, plead and be impleaded, answer and be answered, assign or be assigned to, appear before any Court of law in any place whatever and in as ample and advantageous a manner as any other body, politic and incorporate, or as any person legally entitled

titled to sue or be sued, plead or be impleaded, answer or be answered, assign or be assigned.

(2) All such Corporations shall be represented by His Lordship the Bishop of the Diocese of Canada of the Ruthenian Greek Catholic Church in communion with Rome, and his successors in office of the same faith and rite, appointed by the Holy Pontiff and persevering in communion with Rome.

(3) The said Corporations shall be represented in the event of the death of the Bishop, by the Administrator of the Diocese, and in the event of the absence of the Bishop, by his Vicar General or the Dean of his clergy, and the priest canonically appointed for the administration of such corporation with power to associate with them for any period of time two other members or representatives of the said corporation.

(4) A certificate in writing signed by the Bishop or Administrator of the Diocese that a Parish or Mission therein named has been canonically erected under a name therein stated or that a priest therein named has been canonically appointed for the administration of a Corporation therein named shall be sufficient proof of such facts.

(5) Section 2 of the Act passed in the 1st year of His Majesty's reign, chaptered 150, is amended by striking out all the words in the said section after the word "Archdiocese," in the sixth line.

**2.**—(1) The said Parishes and Missions under these names and represented as above may, at any time in the future, purchase, acquire, take, have, hold, receive, possess, retain and enjoy the property real or personal, corporeal or incorporeal, whatsoever and for any or every estate or interest therein whatsoever given, granted, devised or bequeathed to them or any of them or appropriated, purchased or acquired by them or any of them in any manner or way whatsoever, to, for or in favour of the religious, educational and eleemosynary uses and purposes of the said Parishes and Missions or any of them.

Power to  
acquire  
and hold  
property.

(2) The annual value of the real estate held by or in trust for any of the said Corporations shall not exceed Five thousand dollars, except in the City of Toronto, where the annual value shall not exceed Ten thousand dollars.

Limitation  
as to hold-  
ing real  
estate.

**3.** The said Parishes and Missions under these names and represented as above shall have the power, with the approval

Power to  
sell, mort-  
gage, etc.,  
property.

of

of the Bishop or Administrator of the Diocese, to sell, convey, exchange, alienate, mortgage, lease, or demise any real or personal property held by the said Parishes and Missions, or any of them, whether by way of investment for the uses and purposes of the said Parishes and Missions or not.

Power to  
make regu-  
lations, by-  
laws, etc.

4.—(1) The said Corporations shall have all power and authority to draft and enact regulations, orders, and by-laws not contrary to the laws in force in this Province, which may from time to time be deemed expedient for

- (a) The administration, management and control of the property, business and other temporal affairs of the corporation.
- (b) The appointment of committees from time to time for the purposes of the corporation, and the calling of meetings of such committees.
- (c) Generally for the carrying out of the objects and purposes of the corporation.

Approval  
of by-laws,  
regula-  
tions, etc.

(2) No such regulations, orders, or by-laws shall have any force, or effect, nor shall any committee have any powers whatsoever until the approval in writing of the Bishop or Administrator of the Diocese has been obtained.

Power to  
borrow  
money and  
make  
notes, etc.

5.—(1) Any such corporation may from time to time for the purposes of the corporation,

- (a) Borrow money upon the credit of the corporation.
- (b) Limit or increase the amount to be borrowed.
- (c) Make, draw, accept, endorse or become party to - promissory notes and bills of exchange.

(2) Every such bill or note made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the corporation and countersigned by the Bishop or Administrator of the Diocese, or by some other person nominated for the purpose by the Bishop or Administrator, shall be binding upon the corporation and shall be presumed to have been made, drawn, accepted, or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the corporation affixed to any such note or bill.

6. Immediately upon the canonical erection of any of the said Parishes or Missions, all the property real and personal held by any person or corporation in trust for the purposes and benefits of, or to the use of, or given to or for the use of said parish or mission, shall, subject to the trusts, if any, upon which such property is held, henceforth be and become, without the execution or registration of any deed, conveyance or transfer thereof, vested in and held by the corporation of the said parish or mission.

Property held in trust for parish or mission to be vested in corporation.

7.—(1) Notice in writing on behalf of any of said corporations, signed by the Bishop or Administrator of the Diocese, by the priest canonically appointed for the administration of the corporation, and by the Trustees of the corporation appointed under the provisions of this Act and by a majority of the persons, or by a corporation holding land in trust for any parish or mission as set out in section 6 may be given to the proper Registrar of Deeds or The Master of Titles, or Local Master of Titles, as the case may be, that the lands described in the notice are held in trust for the said corporation, and the Registrar, Master of Titles or Local Master of Titles, shall file the notice in his office and shall enter in the abstract index or land titles register against the lot or parcel affected the particulars thereof together with a reference to this Act, giving the title, regnal year and chapter number of the same.

Notice to registrar, etc., as to lands held in trust for corporation.

(2) There shall be attached to such notice a certificate in writing signed by the priest canonically appointed for the administration of the corporation, certifying that the parties therein named are the trustees of the corporation, duly elected or appointed, and that such election or appointment has received the written approval of the Bishop or Administrator of the Diocese, which shall be sufficient proof of all such facts.

Certificate to be attached to notice

(3) Such notice shall be signed in the presence of a subscribing witness and an affidavit of execution by such witness shall be endorsed on or attached to the notice.

Witness to execution of notice.

(4) The giving of such notice and the making of the entry shall have the same effect as the registration of a declaration of trust by the person in whose name the lands are held in the Registry Office, or the entry of a caution by him upon the land titles register.

Effect of registration of notice.

(5) The fee payable upon the filing of the notice and making the entry shall be twenty-five cents for each entry in the abstract book and in the land titles register.

Fees for entering notice.



Proving  
transmis-  
sion of  
title to  
corporation.

8. For the purposes of proving the transmission of title of any property aforesaid to any of the said corporations, it shall be sufficient to satisfy the requirements for registration under *The Land Titles Act*, or *The Registry Act*, or any other Act of the Province affecting the registered title to real or personal property, to recite in any instrument executed on behalf of such corporation and dealing with such property or any interest therein, the title of this Act, and the regnal year and chapter number of the same.

Case of  
purchaser  
for value  
without  
notice.

9. Nothing in this Act contained shall affect the right of a bona fide purchaser for valuable consideration from any person holding lands in trust as mentioned in Section 6, unless such purchaser has actual notice that the lands have become vested in a corporation under and by virtue of this Act, but the entry under subsection (1) of Section 7, by the registrar or other officer in the proper abstract index or land titles register shall be deemed actual notice.

Execution  
of cer-  
tain docu-  
ments.

10. Any deed, transfer, mortgage, charge, or other instrument relating to or dealing with real estate or any interest therein vested in any of the said corporations, shall be deemed to be, and shall be duly executed and shall be sufficient for the purposes for which same is intended if there are affixed thereto, the seal of the corporation and the signature of the Bishop or Administrator of the Diocese, or of some other person appointed for the purpose by the Bishop or Administrator.

Return as  
to property  
held to be  
made to  
Lieutenant-  
Governor.

11. Each of the said corporations shall at all times when thereunto required by the Lieutenant-Governor in Council or the Legislature make a full return of its property (real and personal), and of its receipts and expenditures for such period and with such details and other information as the Lieutenant-Governor in Council or the Legislature may require.

Members  
not re-  
sponsible  
for debts  
of cor-  
poration.

12. No member of any of the said corporations shall become individually responsible for any of the debts, contracts or liabilities of the said corporations.

Application  
of Statutes  
of Mortmain.

13. The provisions of this Act shall be subject to those of *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years, and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for religious, educational and eleemosynary purposes.

9 Edw. VII.  
c. 53.

## CHAPTER 149.

## An Act respecting certain lands of the Evangelical Lutheran St. Peter's Church at Berlin.

*Assented to 6th May, 1913.*

**W**HEREAS, Friedolin E. Oberlander, Louis Bardon, William May, Julius Jaeger, Ernst Hiller, Jacob Kriesel, George Bucher, Frederick Dreger, and Albert Heller, the Pastor, Clerk and Trustees, respectively, of the Evangelical Lutheran St. Peter's Church at Berlin of the Unaltered Augsburgische Confession as contained in the Book of Concord of 1580, have by their Petition under the seal of the said Church represented that by Indenture bearing date the second day of January, 1872, Menno Erb did grant and convey, (his wife Lydia Erb joining therein to bar her dower), unto Henry Koch, August Totzke, Philip Mogk, Louis Stuebing, John Henry Heller, Frederick Ritinger and Henry Sippel, the then trustees of the said Church, a part of Lot Number Two of the German Company Tract of the Township of Waterloo within the limits of the City of Berlin, containing one acre and a half more or less, and particularly described in the said Indenture; and that by Indenture bearing date the fifteenth day of November, 1907, George Bucher did grant and convey (his wife Clara Bucher joining therein to bar her dower), unto Oscar Rumpel, Louis Bardon, William May, Julius Jaeger, Ernst Hiller, Jacob Kriesel, George Bucher, and Henry Oswald, the then trustees of the said Church, a part of the said Lot Number Two, containing two and eight-tenths acres more or less, and particularly described in the said Indenture; and that by Indenture bearing date the 26th day of June, 1908, Samuel M. Brubacher did grant and convey (his wife Rosetta Brubacher joining therein to bar her dower), unto Oscar Rumpel, Louis Bardon, William May, Julius Jaeger, Ernst Hiller, Jacob Kriesel, George Bucher, and Henry Oswald, the then trustees of the said Church, a part of the said Lot Number Two, containing two and fifty-nine hundredths acres more or less, and particularly described in the said Indenture; and that each of the said Indentures doth contain the following clause: "But nevertheless upon the special trust and confidence that  
the

the same shall be forever hereafter held and enjoyed for the purposes of a burial ground for the said Congregation at Berlin and said Trustees or the Trustees for the time being shall not permit or allow any person belonging to any other religious society or congregation the right of burial in said burial ground or cemetery nor shall they permit or allow any minister other than the lawfully appointed Lutheran Minister of said Evangelical Lutheran St. Peter's Church at Berlin, to deliver an address, speech or funeral sermon in said burial ground or cemetery, save and except in case of sickness of the said lawfully appointed minister or in case of a vacancy having taken place in the said Church;" and whereas the said petitioners have prayed that an Act be passed allowing the Trustees of the said Church to hold and enjoy the before mentioned lands for the purposes of a burial ground under the said conveyances hereinbefore recited but not otherwise subject to the restrictive clause above particularly set out; and whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain  
restrictions  
in convey-  
ance not to  
bind trus-  
tees.

1. The trustees of the said Evangelical Lutheran St. Peter's Church at Berlin, of the Unaltered Augsburgische Confession as contained in the Book of Concord of 1580, and their successors, shall continue to hold and enjoy the said lands as a burial ground or cemetery according to the tenor of the said Indentures, but except as aforesaid the said lands shall not be deemed to be subject to the clause above particularly set out, and the said trustees, and their successors, shall not be deemed to be subject to the restrictions of the said clause, and except as aforesaid, the said Indentures shall be read and construed as if the said clause were not therein written.

## CHAPTER 150.

An Act to enable the Trustees of the Church  
of England Glebe Lands of the City  
of Chatham to Sell and  
Convey the Same

*Assented to 6th May, 1913.*

**W**HEREAS, by letters patent dated the Sixth day of <sup>Preamble.</sup> September, 1837, the Crown granted to certain Trustees that block of land in the Town of Chatham bounded on the north by Gaol Street, on the South by Murray Street, on the West by Adelaide Street and on the East by Prince Street, for the use and benefit of the Ministers and Congregations of the Established Church of England in the said Town of Chatham; and whereas the Ministers and Congregations now receiving the benefit of the said Trust, and the now acting trustees thereof, have duly petitioned for an Act authorizing the sale of the said lands, on the ground that such a sale would greatly benefit all beneficiaries of the Trust as well as in the public interest, and might be effected without detriment in any manner to the said Trust or its purposes; and have also petitioned that the Synod of the Diocese of Huron be appointed Trustees of the said property instead of the trustees provided for in the said grant; and whereas it appears that all persons and bodies presently interested in the said Trust are capable of contracting and are consenting parties to the said petition, and any possible future interests are sufficiently represented by the Bishop and Synod of the Diocese of Huron, who are likewise consenting parties; and whereas it is expedient to grant the prayer of the said petition;

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Synod of  
Huron to  
be trustees.

**1.** The Synod of the Diocese of Huron shall be the trustees, under the letters patent dated 6th September, 1837, from the Crown, granting to the Reverend Thomas Brock Fuller, and others, that block of land now in the city of Chatham, bounded on the north by Stanley Avenue, formerly Gaol Street, on the south by Murray Street, on the west by Adelaide Street and on the east by Prince Street; instead of the trustees provided for by the said letters patent. The last mentioned trustees, acting prior to or at the time of the passing of this Act are hereby released from the trusts under the said letters patent.

Power to  
sell land.

**2.** The said trustees may sell the said lands, or any part thereof, subject to the rights of tenants or other persons, if any, having any right thereto or interest therein, when, and as, in their judgment it may seem best in the interests and for the purposes of the said trust; and no purchaser shall be answerable for the proper application of his purchase-money.

Application  
of proceeds  
of sale.

**3.** The proceeds of the sale of the lands shall be, by the said trustees, always invested and re-invested in the like interests, and for the like purposes, for which the said lands would have been held if it had not been so converted, and shall, as nearly as can be, be administered in the same manner, so that as far as possible the trusts of the said grant may be preserved and given full effect to in all things.

Dedication  
of land.

**4.** The said trustees may in their discretion dedicate or convey to the City of Chatham, Stanley Park and a street on the southerly side thereof, on such terms and for such (if any) consideration as to the trustees may seem proper.

Costs.

**5.** The costs of the petitioners of and incidental to this Act shall be paid by said trustees out of said proceeds.

## CHAPTER 151.

## An Act to increase the Borrowing Powers of the Trustees of the Estate of the late William Walter Brown.

*Assented to 6th May, 1913.*

**W**HEREAS William Godbee Brown and Clifton Ash-ton Douglas, the Trustees of the Estate of William Walter Brown, late of the City of Ottawa, in the County of Carleton, gentleman, deceased, were by Act of the Province of Ontario, 1 George V. chapter 153, among other things empowered to borrow money upon certain lands mentioned in the recital of the said Statute to the extent of Fifteen thousand dollars, the money so borrowed to be used for the purposes of improving or rebuilding existing buildings or erecting new buildings upon the said lands, or for one or all of such purposes; and whereas the said Trustees have by their Petition represented that the sum of Fifteen thousand dollars is inadequate for the purposes therein mentioned, and have prayed that the said Act be amended so as to increase their borrowing powers to the extent of Sixty thousand dollars; and whereas it is expedient to grant the prayer of the said Petition. Preamble.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Section 2 and 3 of the Act passed in the 1st<sup>1</sup> year of the reign of His Majesty King George the fifth, chaptered 153 are amended by striking out the figures \$15,000 where they occur in those sections, and inserting in lieu thereof the figures \$60,000. <sup>1</sup> Geo. V.  
c. 153, ss.  
2 and 3,  
amended.

(2) Subject to the amendments made by subsection 1 the said Act shall remain in full force and effect.

## CHAPTER 152,

## An Act respecting the Estate of Sophia Macnab.

*Assented to 6th May, 1913.*

## Preamble.

**W**HEREAS Sophia Caroline French has by her petition set forth that one Sophia Macnab of the City of Toronto, widow, died on or about the 19th day of April, A.D. 1891, having first made and published her last will and testament as follows:—

“This is the last will and testament of me, Sophia Macnab, of the City of Toronto, widow, made this thirty-first day of December, one thousand eight hundred and ninety.

“1. I revoke all former Wills made by me.

“2. I give to my niece Mary Stewart Daly all my personal and household effects for her own absolute use.

“3. I give to the sisters of St. Joseph's convent in the City of Hamilton, Ontario, Five hundred dollars, to be used by them for charitable purposes under their management. This is to be paid to them in instalments from time to time within two or three years as my executors may think fit.

“4. I direct one hundred dollars per annum for four years to be paid to the Roman Catholic Archbishop of the Diocese of Toronto for the time being to be applied by him and his Successors in the education of a young man for the Priesthood.

“5. I give to my niece said Mary Stewart Daly all the rest and remainder of the income of my estate for and during her natural life.

“6. In case Sophia Caroline Daly, daughter of my said niece shall die, leaving no issue surviving her at the time of her death, I give the corpus of my estate to the said

Sisters



Sisters of St. Joseph in the City of Hamilton for charitable purposes under their management. This bequest to come into effect only after the death of my said niece and her said daughter.

"7. After the death of my said niece the income of my estate shall be paid during the lifetime of said Sophia Caroline Daly to such person as said Mary Stewart Daly may by writing under hand or by her last will appoint, and in default of any appointment then to the said Sophia Caroline for her own separate use free from the control of any husband she may have.

"8. Said Mary Stewart Daly shall also have power to appoint by writing under her hand or by her last will and testament to what person or persons or corporation and for what estate and interest, estates and interests, the said corpus of my estate shall go in the event of the said Sophia Caroline dying and leaving issue her surviving as aforesaid.

"9. I hereby appoint James J. Foy and John A. Worrell, both of the City of Toronto, Barristers-at-law, to be the executors and trustees of this my Will, and to them I give and devise my estate upon the trusts hereinbefore mentioned.

"In witness whereof I have hereunto set my hand and seal the day and year first written above.

"(Sgd.) SOPHIA MACNAB.

"Signed, sealed, published and declared by the said testatrix as and for her last Will and testament in the presence of us both present at the same time who, at her request in her presence and in the presence of each other have hereunto subscribed our names as witnesses."

"James J. Warren.

"L. V. McBrady."

That the said Will was duly admitted to probate and letters probate issued to James Joseph Foy and John A. Worrell therein named as executors and trustees on the eleventh day of May, A.D. 1891; that your Petitioner is the daughter of Mary Stewart Daly and is the Sophia Caroline Daly mentioned in the said Will; that your petitioner married on or about the eleventh day of April, 1898, Herbert Cumming French, of the City of Bombay in India; that by the said marriage your Petitioner

tioner has issue now living, namely, Desmond Allan French; that the said Mary Stewart Daly died on or about the nineteenth day of March, A.D. 1908, after having exercised the power of appointment conferred by the said Will in favour of your petitioner; that the said Sisters of St. Joseph, were incorporated under an Act, chaptered 167 of the Revised Statutes of Ontario, 1877, and under that Act they are entitled to hold lands in mortmain, provided the gift or devise is made at least six months before the death of the person making the same; that doubts have arisen as to the validity of the contingent remainder purporting to be given by the said Will of the said Sophia Macnab to the Sisters of St. Joseph so far as the same included moneys charged upon land; that owing to the said doubts it is impossible to deal with the estate so as to carry out the Will of the said Sophia Macnab and the appointment made by the said Mary Stewart Daly in favour of your petitioner and the estate is involved and embarrassed by reason of the inability to deal with it and it is in the interests of all the beneficiaries under the said Will that such doubts should be removed; and whereas the said Sophia Caroline French has by her said petition prayed that an Act may be passed confirming the said Will and declaring the contingent remainder therein given to the said Sisters to be good and valid.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Declaration  
as to effect  
of certain  
bequest  
in will.

1. It is declared that the bequest set out in the paragraph numbered six of the said Will was and is legal and valid and notwithstanding the death of the said Sophia Macnab within six months of the making of the said Will and notwithstanding any general or special Act to the contrary is sufficient in the event of the death of the said Sophia Caroline French leaving no issue to vest the corpus of the said estate in the said Sisters of St. Joseph.

## TABLE OF ACTS

Table of Acts in the Revised Statutes 1897, and in Subsequent Annual Volumes, and showing where they are now to be found.

This table is merely for general reference and does not purport to deal with the entire subject of each enactment.

Amendments subsequent to the chapters set out in the third column, are not referred to, but will be incorporated with each chapter of the Revised Statutes dealing with the particular subject matter.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
	A.	
R.S.O. 1897, c. 79.	ABSCONDING DEBTORS.	9 Edw. VII., c. 49.
R.S.O. 1897, c. 166.	ACCIDENTS, compensation for families of killed.	
R.S.O. 1897, c. 265.	prevention of, from threshing machines.	1 Geo. V., c. 33.
R.S.O. 1897, c. 228.	ACCOUNTS.	R.S.O. 1897, c. 265.
R.S.O. 1897, c. 23.	municipal school. public audit of.	R.S.O. 1897, c. 228. 8 Edw. VII., c. 9; see also 9 Edw. VII., c. 11.
10 Edw. VII., c. 79.	ACCOUNTANTS, CHARTERED.	1 Geo. V., c. 48.
R.S.O. 1897, c. 332.	ACCUMULATIONS.	10 Edw. VII., c. 46.
R.S.O. 1897, cc. 51, s. 58 (1), 72, 133, 146, ss. 1-5, 324, ss. 38-44.	ACTIONS, limitation of.	10 Edw. VII., c. 34.
R.S.O. 1897, c. 70.	ADMINISTRATION, by Crown of intestates' estates.	9 Edw. VII., c. 42.
R.S.O. 1897, cc. 101-104.	ADMINISTRATION OF JUSTICE, expenses of.	10 Edw. VII., c. 41.
R.S.O. 1897, c. 51.	Supreme Court of Judicature.	3-4 Geo. V., c. 19.
R.S.O. 1897, c. 74.	AFFIDAVITS, commissioners for taking.	9 Edw. VII., c. 44.
R.S.O. 1897, c. 150.	AGENTS, contracts relating to goods entrusted to.	10 Edw. VII., c. 66.
R.S.O. 1897, c. 43; consol. 6 Edw. VII., c. 17.	AGRICULTURAL ASSOCIATIONS.	10 Edw. VII., c. 18.
R.S.O. 1897, c. 302.	AGRICULTURAL COLLEGE.	3-4 Geo. V., c. 76.
R.S.O. 1897, c. 43; consol. 6 Edw. VII., c. 16.	AGRICULTURAL SOCIETIES.	10 Edw. VII., c. 19.
R.S.O. 1897, c. 42.	AGRICULTURE, Department of.	10 Edw. VII., c. 17.
R.S.O. 1897, c. 118.	ALIENS, rights of, in real property.	10 Edw. VII., c. 49.
R.S.O. 1897, c. 177.	ANATOMY.	1 Geo. V., c. 38.
New.	ANIMALS, injured, destruction of, by constables.	1 Geo. V., c. 75.
R.S.O. 1897, c. 48.	APPEALS TO PRIVY COUNCIL.	10 Edw. VII., c. 24, 2 Geo. V., c. 18.
R.S.O. 1897, c. 170.	APPOINTMENT.	1 Geo. V., c. 21.
R.S.O. 1897, c. 161.	APPRENTICES AND MINORS.	1 Geo. V., c. 31.
R.S.O. 1897, c. 62.	ARBITRATIONS AND REFERENCES.	9 Edw. VII., c. 35.
R.S.O. 1897, c. 227.	ARBITRATIONS, municipal.	3-4 Geo. V., c. 49.
R.S.O. 1897, c. 63.	ARBITRATORS, appointment of by boards of trade.	9 Edw. VII., c. 36.
R.S.O. 1897, c. 182.	ARCHITECTS.	1 Geo. V., c. 43.
New.	ART, Ontario College of.	2 Geo. V., c. 79.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 9.	ASSEMBLY,	
R.S.O. 1897, c. 12.	elections to	8 Edw. VII., c. 3.
R.S.O. 1897, c. 6.	legislative.	8 Edw. VII., c. 5.
R.S.O. 1897, c. 224.	representation in.	8 Edw. VII., c. 2.
R.S.O. 1897, c. 147.	ASSESSMENT.	4 Edw. VII., c. 23.
	ASSIGNMENTS AND PREFERENCES,	
	by insolvents.	10 Edw. VII., c. 64.
R.S.O. 1897, c. 53.	ASSIZE AND NISI PRIUS AND OYER AND TERMINER AND GENERAL GAOL DELIVERY.	R.S.O. 1897, c. 53.
	Courts of	
R.S.O. 1897, c. 116.	ATTORNEY,	
	power of	10 Edw. VII., c. 47.
R.S.O. 1897, c. 23.	ATTORNEYS.	
	Crown.	9 Edw. VII., c. 55.
3 Edw. VII., c. 27,	AUDIT OF PUBLIC ACCOUNTS.	8 Edw. VII., c. 9;
consol. 6 Edw.		see also 9 Edw.
VII., c. 46.		VII., c. 11.
	AUTOMOBILES.	2 Geo. V., c. 48.
	B.	
R.S.O. 1897, c. 100.	BAIL,	
	when constables may take.	10 Edw. VII., c. 40.
63 V., c. 48.	BARBERRY SHRUB.	2 Geo. V., c. 70.
R.S.O. 1897, c. 173.	BARRISTERS.	2 Geo. V., c. 27.
New.	BEACH,	
	Burlington,	7 Edw. VII., c. 22.
R.S.O., 1897, c. 270.	protection of.	2 Geo. V., c. 63.
R.S.O. 1897, c. 283.	BEEES,	
	foul brood.	2 Geo. V., c. 73.
R.S.O. 1897, c. 282.	protection of.	2 Geo. V., c. 72.
R.S.O. 1897, c. 117.	property in swarms of.	10 Edw. VII., c. 48.
R.S.O. 1897, c. 247.	BILLIARD ROOMS,	
	minors frequenting.	2 Geo. V., c. 57.
R.S.O. 1897, c. 148.	BILLS OF SALE AND CHATTEL MORTGAGES.	10 Edw. VII., c. 65.
R.S.O. 1897, c. 289.	BIRDS,	
	insectiverous.	R.S.O. 1897, c. 289.
R.S.O. 1897, c. 44.	BIRTHS, MARRIAGES AND DEATHS,	
	registration of.	8 Edw. VII., c. 28.
R.S.O. 1897, c. 319.	BLIND, DEAF, DUMB AND	R.S.O. 1897, c. 319.
Edw. VII., c. 31. 4		
Edw. VII., c. 33.		
R.S.O. 1897, c. 258. 3	BOARD OF EDUCATION.	9 Edw. VII., c. 94.
	BOARDING HOUSES,	
	Maternity.	2 Geo. V., c. 60.
R.S.O. 1897, c. 63.	BOARDS OF TRADE,	
	appointment of arbitrators.	9 Edw. VII., c. 36.
R.S.O. 1897, c. 64.	BOUNDARY LINES,	
	disputes concerning.	10 Edw. VII., c. 33.
New.	BOUNTIES,	
	metal refining.	7 Edw. VII., c. 14.
8 Edw. VII., c. 56.	BREAD,	
	fraud in sales of.	10 Edw. VII., c. 95.
R.S.O. 1897, c. 236.	BRIDGES,	
	travelling on highways and.	2 Geo. V., c. 47.
New.	BUILDINGS.	
	protection of persons,	
	constructing.	1 Geo. V., c. 71.
R.S.O. 1897, c. 263.	public, egress from.	1 Geo. V., c. 72.
New.	BUILDING TRADES,	
	protection.	1 Geo. V., c. 71.
63 V., c. 14.	BUREAU OF LABOUR.	10 Edw. VII., c. 13.
New.	BURLINGTON BEACH.	7 Edw. VII., c. 22.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
New.	BUTTER AND CHEESE, exchanges.	62 V. (2) c. 20.
R.S.O. 1897, c. 251; consol. 8 Edw. VII. c. 55.	fraud in manufacture of.	3-4 Geo. V., c. 59.
R.S.O. 1897, cc. 213, 214.	C.	
R.S.O. 1897, c. 308.	CEMETERIES.	3-4 Geo. V., c. 56.
R.S.O. 1897, c. 320.	CENTRAL PRISON. now Ontario Reformatory.	3-4 Geo. V., c. 77.
R.S.O. 1897, c. 112; consol. 2 Edw. VII., c. 2.	CHARITABLE INSTITUTIONS, HOSPITALS, AND.	2 Geo. V., c. 85.
10 Edw. VII., c. 79.	CHARITABLE USES, mortmain and.	9 Edw. VII., c. 58.
R.S.O. 1897, c. 148.	CHARTERED ACCOUNTANTS.	1 Geo. V., c. 48.
R.S.O. 1897, cc. 148, s. 41, 149.	CHATTTEL MORTGAGES.	10 Edw. VII., c. 65.
R.S.O. 1897, c. 75.	CHATTELS, CONDITIONAL SALE OF. Costs of distress, and for seizure of.	1 Geo. V., c. 30.
New.	CHEESE AND BUTTER, exchanges.	9 Edw. VII., c. 45.
R.S.O. 1897, c. 251; consol. 8 Edw. VII., c. 55.	fraud in manufacture of.	62 V. (2), c. 20.
R.S.O. 1897, c. 169.	CHILDREN,	
R.S.O. 1897, c. 262.	illegitimate,	3-4 Geo. V., c. 59.
R.S.O. 1897, c. 258.	immigration	1 Geo. V., c. 36.
R.S.O. 1897, c. 259.	infant, protection of.	R.S.O. 1897, c. 262.
R.S.O. 1897, c. 244; consol. 3 Edw. VII., c. 28.	neglected, protection of.	2 Geo. V., c. 60.
New.	CIRCUSES AND TRAVELLING SHOWS.	3-4 Geo. V., c. 62.
R.S.O. 1897, c. 211.	CITIES AND TOWNS	1 Geo. V., c. 63.
R.S.O. 1897, c. 34.	housing accommodation in.	
R.S.O. 1897, c. 255.	CITY AND SUBURBS PLANS.	3 & 4 Geo. V., c. 57.
R.S.O. 1897, c. 302.	CIVIL RIGHTS, PROPERTY AND	2 Geo. V., c. 43.
New.	CLERGY RESERVES.	10 Edw. VII., c. 45.
R.S.O. 1897, c. 297; New.	COLLECTORS,	R.S.O. 1897, c. 34; see
7 Edw. VII., c. 17.	debt, prevention of frauds by.	8 Edw. VII., c. 13;
R.S.O. 1897, c. 74.	COLLEGE.	10 Edw. VII., c. 10.
R.S.O. 1897, cc. 189, 190, 191, 197, 200-202, 211, 215-222; consol. 7 Edw. VII., c. 34.	Agricultural.	R.S.O. 1897, c. 255.
New.	Ontario Art.	
R.S.O. 1897, c. 195.	Upper Canada.	3-4 Geo. V., c. 76.
R.S.O. 1897, c. 194.	Veterinary.	2 Geo. V., c. 79.
R.S.O. 1897, c. 205.	COLONIZATION ROADS.	63 V., c. 55.
	COMMISSIONERS FOR TAKING AFFIDAVITS.	9 Edw. VII., c. 96.
		3-4 Geo. V., c. 11.
		9 Edw. VII., c. 44.
	COMPANIES,	
	extra provincial.	2 Geo. V., c. 31.
	for construction of wharfs and harbours.	63 V., c. 24.
	for facilitating transmission of timber down rivers and streams.	2 Geo. V., c. 32.
	loan and trust.	3-4 Geo. V., c. 34.
		2 Geo. V., c. 34.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 192. 8 Edw. VII., c. 49; 10 Edw. VII., cc. 84, 92. 1 Geo. V., c. 55. R.S.O. 1897, cc. 148, s. 41, 149. R.S.O. 1897, c. 21.	telegraph.  telephone systems.  CONDITIONAL SALES OF CHATTELS, CONSOLIDATED REVENUE FUND.	R.S.O. 1897, c. 192.  2 Geo. V., c. 38.  1 Geo. V., c. 30. 8 Edw. VII., c. 10; <i>see also</i> 8 Edw. VII., c. 13, & 10 Edw. VII., c. 10. 10 Edw. VII., c. 39. 10 Edw. VII., c. 40.
R.S.O. 1897, c. 99. R.S.O. 1897, c. 100. New.	CONSTABLES, authority to take bail. destruction by, of injured animals.	1 Geo. V., c. 75.
R.S.O. 1897, c. 38.	Dominion Commissioner of police.	10 Edw. VII., c. 38.
R.S.O. 1897, c. 84.	CONSTITUTIONAL AND OTHER QUESTIONS.	9 Edw. VII., c. 52.
63 V., c. 57.	CONSUMPTIVES, Municipal Sanatoria for.	3-4 Geo. V., c. 86. 3-4 Geo. V., c. 72.
9 Edw. VII., c. 90. R.S.O. 1897, c. 11.	CONTINUATION SCHOOLS. CONVERTED ELECTIONS.	8 Edw. VII., c. 4.
R.S.O. 1897, c. 165. R.S.O. 1897, c. 124. R.S.O. 1897, cc. 115, 334.	CONVEYANCES, married women. short form of.	3-4 Geo. V., c. 30. 10 Edw. VII., c. 53.
R.S.O. 1897, c. 295. R.S.O. 1897, cc. 119, 330, s. 5, 10, 14-23, 31-33.	voluntary and fraudulent. to trustees for school purposes.	1 Geo. V., c. 24. R.S.O. 1897, c. 295.
R.S.O. 1897, cc. 97 & 275. R.S.O. 1897, c. 75.	CONVEYANCING AND LAW OF PROPERTY.	1 Geo. V., c. 25.
R.S.O. 1897, cc. 55, 109. R.S.O. 1897, c. 57. R.S.O. 1897, c. 54. New.	CORONERS. COSTS OF DISTRESS OR FOR SEIZURE OF CHATTELS.  COUNTY COURTS. COUNTY JUDGES, criminal courts. COURT HOUSES, in territorial districts.	1 Geo. V., c. 23. 9 Edw. VII., c. 45.  10 Edw. VII., c. 30. 9 Edw. VII., c. 29. 9 Edw. VII., c. 31.
R.S.O. 1897, c. 53.	COURTS,  Assize and nisi prius and general Gaol delivery.	3-4 Geo. V., c. 82.  R.S.O. 1897, c. 53.
R.S.O. 1897, cc. 55, 109. R.S.O. 1897, c. 57. R.S.O. 1897, c. 60. R.S.O. 1897, c. 49. R.S.O. 1897, cc. 56, 58. New.	County. County Judge Criminal. Division. Dominion. General Sessions of the Peace.	10 Edw. VII., c. 30. 9 Edw. VII., c. 31. 10 Edw. VII., c. 32. 10 Edw. VII., c. 25. 9 Edw. VII., c. 30.
R.S.O. 1897, c. 59. R.S.O. 1897, c. 76.	Juvenile. Surrogate. matters out of, enforcing Judge's orders.	10 Edw. VII., c. 96. 10 Edw. VII., c. 31.
R.S.O. 1897, c. 78. R.S.O. 1897, c. 70.	CREDITOR'S RELIEF. CROWN, administration of intestates' estates by.	9 Edw. VII., c. 46. 9 Edw. VII., c. 48.
R.S.O. 1897, c. 96. R.S.O. 1897, c. 113. R.S.O. 1897, c. 32.	CROWN ATTORNEYS. CROWN DEBTORS. CROWN TIMBER.	9 Edw. VII., c. 42. 9 Edw. VII., c. 55. R.S.O. 1897, c. 113. 3-4 Geo. V., c. 8.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 105.	CROWN WITNESSES, payment of.	10 Edw. VII., c. 42.
R.S.O. 1897, c. 186.	CULLERS of SAW LOGS, licensed.	1 Geo. V., c. 47.
	D.	
9 Edw. VII., c. 86.	DAIRY PRODUCTS.	3-4 Geo. V., c. 58.
R.S.O. 1897, c. 319.	DEAF, DUMB AND BLIND.	R.S.O. 1897, c. 319.
R.S.O. 1897, c. 44.	DEATHS, BIRTHS AND MARRIAGES, registration of.	8 Edw. VII., c. 28.
R.S.O. 1897, c. 255.	DEBT COLLECTORS, prevention of fraud by.	R.S.O. 1897, c. 255.
R.S.O. 1897, c. 79.	DEBTORS, absconding.	9 Edw. VII., c. 49.
R.S.O. 1897, cc. 80, 81.	arrest of fraudulent.	9 Edw. VII., c. 50.
R.S.O. 1897, c. 113.	Crown	R.S.O. 1897, c. 113.
R.S.O. 1897, c. 178.	DENTISTRY.	1 Geo. V., c. 39.
R.S.O. 1897, c. 42.	DEPARTMENT OF AGRICULTURE.	10 Edw. VII., c. 17.
R.S.O. 1897, c. 291; consol. 1 Edw. VII., c. 38; 6 Edw. VII., c. 52.	of Education.	9 Edw. VII., c. 38.
R.S.O. 1897, c. 167.	DESERTED WIVES, maintenance of.	1 Geo. V., c. 34.
R.S.O. 1897, cc. 127, 335, 340, s. 1.	DEVOLUTION OF ESTATES.	10 Edw. VII., c. 56.
New.	DETECTIVES, private.	9 Edw. VII., c. 83.
R.S.O. 1897, c. 75.	DISTRESS, costs of.	9 Edw. VII., c. 45.
R.S.O. 1892, c. 2.	seizure of chattels.	7 Edw. VII., c. 3.
	DISTRIBUTION OF STATUTES, PRINTING AND.	
R.S.O. 1897, c. 85.	DISTRICTS, compensation for flooding lands in new.	9 Edw. VII., c. 53.
New.	Houses of Refuge.	2 Geo. V., c. 83.
R.S.O. 1897, c. 285.	DITCHES AND WATERCOURSES.	2 Geo. V., c. 74.
R.S.O. 1897, c. 286.	railway.	R.S.O. 1897, c. 286.
R.S.O. 1897, c. 60.	DIVISION COURTS.	10 Edw. VII., c. 32.
R.S.O. 1897, c. 271.	DOG TAX AND PROTECTION OF SHEEP.	2 Geo. V., c. 65.
R.S.O. 1897, c. 98.	DOMINION COMMISSIONERS OF POLICE.	10 Edw. VII., c. 38.
R.S.O. 1897, c. 49.	DOMINION COURTS.	10 Edw. VII., c. 25.
R.S.O. 1897, cc. 67, 164, 322 & 330, part.	DOWER.	9 Edw. VII., c. 39.
R.S.O. 1897, c. 226.	DRAINAGE, MUNICIPAL,	10 Edw. VII., c. 90.
R.S.O. 1897, c. 40.	municipal aid to.	9 Edw. VII., c. 21.
63 V., c. 8.	provincial aid to.	1 Geo. V., c. 12.
R.S.O. 1897, c. 41.	tile, stone and timber aid to.	9 Edw. VII., c. 22.
R.S.O. 1897, c. 319.	DUMB, BLIND, DEAF AND.	R.S.O. 1897, c. 319.
	E.	
3 Edw. VII., c. 31. 4	EDUCATION, Boards of.	9 Edw. VII., c. 94.
Edw. VII., c. 33.		
R.S.O. 1897, c. 304; consol. 1 Geo. V., c. 79.	industrial.	3-4 Geo. V., c. 73.
R.S.O. 1897, c. 291; consol. 1 Edw. VII., c. 38; 6 Edw. VII., c. 52.	EDUCATION DEPARTMENT.	9 Edw. VII., c. 88.
R.S.O. 1897, c. 9.	ELECTIONS TO THE ASSEMBLY.	8 Edw. VII., c. 3.



R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 11. New.	controverted. ELECTRIC CONTRACTS. municipal.	8 Edw. VII., c. 4. 3-4 Geo. V., c. 42.
New.	ELECTRICAL POWER, municipal corporations, supply of, to.	3-4 Geo. V., c. 42.
New.	transmission of.	7 Edw. VII., c. 19.
R.S.O. 1897, c. 209; consol. 6 Edw. VII., c. 30.	ELECTRIC RAILWAYS, public construction of.	3-4 Geo. V., c. 36.
New.	ENGINEERS, Board of Stationary.	3-4 Geo. V., c. 38.
R.S.O. 1897, c. 185.	EMBALMERS.	1 Geo. V., c. 46.
New.	ENGLAND, adoption of law of.	1 Geo. V., c. 51.
R.S.O. 1897, c. 111.	EPILEPTICS, hospitals for.	10 Edw. VII., c. 45.
New.	ESCHEATS AND FORFEITURES.	6 Edw. VII., c. 60.
R.S.O. 1897, c. 114.		9 Edw. VII., c. 57.
R.S.O. 1897, cc. 127, 335, 340, s. 1.	ESTATES, devolution of.	10 Edw. VII., c. 56.
R.S.O. 1897, c. 70.	intestate, administration by Crown.	9 Edw. VII., c. 42.
R.S.O. 1897, c. 71.	settled.	3-4 Geo. V., c. 20.
R.S.O. 1897, cc. 122, 330, ss. 17-19, 34, 35.	ESTATES TAIL, assurances of.	10 Edw. VII., c. 52.
R.S.O. 1897, c. 106.	ESTREATS.	10 Edw. VII., c. 43.
R.S.O. 1897, c. 73.	EVIDENCE, witnesses and.	9 Edw. VII., c. 43.
R.S.O. 1897, c. 49.	EXCHEQUER COURT, Supreme Court of Canada and	10 Edw. VII., c. 25.
R.S.O. 1897, cc. 77, 338, s. 11.	EXECUTION.	9 Edw. VII., c. 47.
R.S.O. 1897, c. 78.	EXECUTION CREDITORS, preventing priority among.	9 Edw. VII., c. 48.
R.S.O. 1897, c. 14.	EXECUTIVE COUNCIL.	10 Edw. VII., c. 4.
R.S.O. 1897, cc. 51, s. 39, 59, ss. 63, 64, 129, 131, 132 & 336, 337, ss. 10-20.	EXECUTORS, trustees and.	1 Geo. V., c. 26.
R.S.O. 1897, c. 254.	EXHIBITIONS, fraudulent entry of horses at.	R.S.O. 1897, c. 254.
New.	EXTRA PROVINCIAL CORPORATIONS.	63 V., c. 24.
F.		
R.S.O. 1897, c. 150.	FACTORS.	10 Edw. VII., c. 66.
R.S.O. 1897, c. 166.	FATAL ACCIDENTS.	1 Geo. V., c. 33.
R.S.O. 1897, cc. 256 and 257.	FACTORIES, SHOPS AND OFFICE BUILDINGS.	3-4 Geo. V., c. 60.
New.	FARMS, Industrial.	2 Geo. V., c. 78.
R.S.O. 1897, c. 18.	FEES OF CERTAIN PUBLIC OFFICERS.	10 Edw. VII., c. 5.
R.S.O. 1897, c. 311.	FEMALE INDUSTRIAL REFUGES.	3-4 Geo. V., c. 79.
R.S.O. 1897, c. 260.	FEMALE PRISONERS, protection of.	3-4 Geo. V., c. 80.
R.S.O. 1897, c. 234.	FENCES, line.	3-4 Geo. V., c. 67.
R.S.O. 1897, c. 240.	SNOW.	2 Geo. V., c. 52.
R.S.O. 1897, c. 139.	FERRIES.	9 Edw. VII., c. 60.
R.S.O. 1897, cc. 1, 107 and 108.	FINES AND PENALTIES.	7 Edw. VII., c. 26.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 268.	FIRE GUARDIANS, appointment of.	2 Geo. V., c. 62.
R.S.O. 1897, c. 231.	FIREMAN, exemption from certain services.	3-4 Geo. V., c. 50.
R.S.O. 1897, c. 267.	FIRES, protection of forests from.	3-4 Geo. V., c. 64.
New.	accidental.	1 Geo. V., c. 19.
R.S.O. 1897, c. 275.	investigation of.	1 Geo. V., c. 23.
R.S.O. 1897, c. 264.	in hotels, prevention from accidents,	3-4 Geo. V., c. 63.
R.S.O. 1897, c. 269.	forest, providing means for extinguishing.	3-4 Geo. V., c. 65.
R.S.O. 1897, cc. 287 & 288; 63 V., cc. 49 and 50.	FISHERIES, GAME AND.	3-4 Geo. V., c. 69.
R.S.O. 1897, c. 85.	FLOODING OF LANDS IN NEW DISTRICTS.	9 Edw. VII., c. 53.
R.S.O. 1897, c. 267.	compensation for.	
New.	FORESTS, protection from fire.	3-4 Geo. V., c. 64.
R.S.O. 1897, c. 269.	reforestation by counties.	1 Geo. V., c. 74.
61 V., c. 10.	FOREST FIRES, providing means for extinguishing.	3-4 Geo. V., c. 65.
R.S.O. 1897, c. 114.	FOREST RESERVES.	10 Edw. VII., c. 8.
R.S.O. 1897, c. 283.	FORFEITURES, ESCHEATS AND.	9 Edw. VII., c. 57.
8 Edw. VII., c. 56.	FOUL BROOD.	2 Geo. V., c. 73.
R.S.O. 1897, c. 253.	FRAUD,	10 Edw. VII., c. 95.
R.S.O. 1897, cc. 146, ss. 6-9, 338.	in sales of bread.	R.S.O. 1897, c. 253.
R.S.O. 1897, cc. 80, 81.	in sales of fruit.	
R.S.O. 1897, cc. 115, 334.	FRAUDS, STATUTE OF.	3-4 Geo. V., c. 27.
R.S.O. 1897, cc. 28, 29, 30 and 33.	FRAUDULENT DEBTOR'S ARREST.	9 Edw. VII., c. 50.
R.S.O. 1897, c. 280, 10 Edw. VII., c. 99.	FRAUDULENT CONVEYANCES,	1 Geo. V., c. 24.
R.S.O. 1897, c. 253.	VOLUNTARY AND.	
R.S.O. 1897, cc. 287 and 288; 63 V., cc. 49 and 50.	FREE GRANTS, PUBLIC LANDS AND.	3-4 Geo. V., c. 6.
R.S.O. 1897, c. 329.	FRUIT,	2 Geo. V., c. 69.
	pests.	R.S.O. 1897, c. 253.
	prevention of fraud in the sale of.	
	G.	
	GAME AND FISHERIES.	3-4 Geo. V., c. 69.
	GAMING, excessive and deceitful.	2 Geo. V., c. 56.
	prevention of.	
R.S.O. 1897, c. 51, s. 179; c. 109, ss. 51-54; cc. 314, 315 & 316; c. 321, ss. 22-26; 6 V., c. 36.	GAOLS.	3-4 Geo. V., c. 81.
R.S.O. 1897, cc. 276 & 277.	GAS, NATURAL AND OIL WELLS.	7 Edw. VII., c. 47.
R.S.O. 1897, c. 56, 58.	GENERAL SESSIONS OF THE PEACE.	9 Edw. VII., c. 30.
R.S.O. 1897, c. 281.	GINSENG.	
	prevention and extermination of.	2 Geo. V., c. 71.
R.S.O. 1897, c. 220.	GUARANTEE COMPANIES AS SURETIES.	9 Edw. VII., c. 67.
	H.	
R.S.O. 1897, c. 83.	HABEAS CORPUS.	9 Edw. VII., c. 51.
R.S.O. 1897, c. 4.	HALIBURTON, PROVISIONAL COUNTY OF.	9 Edw. VII., c. 2.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
New.	HALLS, THEATRES AND CINEMATOGRAPHS.	1 Geo. V., c. 73.
R.S.O. 1897, c. 195.	HARBOURS, WHARFS AND, companies for constructing.	2 Geo. V., c. 32.
R.S.O. 1897, cc. 248, 250.	HEALTH, PUBLIC.	2 Geo. V., c. 58.
R.S.O. 1897, c. 293; consol. 1 Edw. VII., c. 40.	HIGH SCHOOLS AND COLLEGIATE INSTITUTES.	9 Edw. VII., c. 91.
1 Edw. VII., c. 32.	HIGHWAYS, improvement of.	7 Edw. VII., c. 16.
R.S.O. 1897, c. 243.	planting trees on.	3-4 Geo. V., c. 53.
R.S.O. 1897, c. 236.	and bridges, highway travel.	2 Geo. V., c. 47.
R.S.O. 1897, c. 242.	use of traction engines.	2 Geo. V., c. 53.
R.S.O. 1897, c. 254.	HORSES, fraudulent entry of, at exhibitions.	R.S.O. 1897, c. 254.
R.S.O. 1897, c. 43 consol. 6 Edw. VII., c. 18.	HORTICULTURAL SOCIETIES.	10 Edw. VII., c. 20.
6 Edw. VII., c. 59.	HOSPITAL, TORONTO GENERAL.	3-4 Geo. V., c. 84.
New.	HOSPITALS, for epileptics.	6 Edw. VII., c. 60.
R.S.O. 1897, c. 317.	for the insane.	3-4 Geo. V., c. 83.
R.S.O. 1897, c. 320.	and charities, aid to.	2 Geo. V., c. 85.
R.S.O. 1897, c. 264.	HOTELS, prevention of accidents by fire in.	3-4 Geo. V., c. 63.
New.	HOUSES OF REFUGE, district.	2 Geo. V., c. 82.
New.	HOUSING ACCOMMODATION IN CITIES AND TOWNS.	2 Geo. V., c. 83.
New.	HYDRO-ELECTRIC POWER COMMISSION.	3-4 Geo. V., c. 57.
New.	HYDRO-ELECTRIC RAILWAY.	7 Edw. VII., c. 19.
	I.	3-4 Geo. V., c. 38.
R.S.O. 1897, c. 169.	ILLEGITIMATE CHILDREN, support of.	1 Geo. V., c. 36.
R.S.O. 1897, c. 223, ss. 385, 433 & 664-693.	IMPROVEMENTS, LOCAL.	1 Geo. V., c. 58.
R.S.O. 1897, c. 158.	INDUSTRIAL, disputes, settlement of.	10 Edw. VII., c. 74.
R.S.O. 1897, c. 301; consol. 1 Geo. V., c. 79.	education.	3-4 Geo. V., c. 73.
New.	farms.	2 Geo. V., c. 78.
R.S.O. 1897, c. 311.	refuges for females.	3-4 Geo. V., c. 79.
R.S.O. 1897, c. 304.	schools.	10 Edw. VII., c. 105.
R.S.O. 1897, c. 51, s. 58, par. 12; cc. 168, 340, ss. 2, 3, 12-18.	INFANTS.	1 Geo. V., c. 35.
New.	INJURED ANIMALS, destruction of, by constables.	1 Geo. V., c. 75.
R.S.O. 1897, c. 187.	INNKEEPERS.	1 Geo. V., c. 49.
R.S.O. 1897, c. 317.	INSANE, hospitals for.	3-4 Geo. V., c. 83.
R.S.O. 1897, c. 289.	INSECTIVEROUS BIRDS' PROTECTION.	R.S.O. 1897, c. 289.
R.S.O. 1897, c. 147.	INSOLVENTS, assignments and preferences by.	10 Edw. VII., c. 64.
R.S.O. 1897, c. 321.	INSTITUTIONS, inspection of.	3-4 Geo. V., c. 88.

R.S.O. 1897, and subsequent chapters thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, cc. 203 & 204 & 339; 4 Edw. VII., c. 16.	INSURANCE.	2 Geo. V., c. 33.
R.S.O. 1897, cc. 213, 214.	INTERMENT OF THE DEAD.	3-4 Geo. V., c. 56.
R.S.O. 1897, c. 1.	INTERPRETATION AND FORM OF STATUTES.	7 Edw. VII., c. 2.
R.S.O. 1897, c. 70.	INTESTATES' ESTATES, administration by Crown.	9 Edw. VII., c. 42.
	J.	
R.S.O. 1897, c. 52.	JUDGES, allowance for extra judicial services.	10 Edw. VII., c. 29.
R.S.O. 1897, c. 54.	county and district.	9 Edw. VII., c. 29.
R.S.O. 1897, c. 76.	orders, in matters out of court, enforcement of.	9 Edw. VII., c. 46.
R.S.O. 1897, c. 51.	JUDICATURE.	3-4 Geo. V., c. 19.
R.S.O. 1897, cc. 61, 109, ss. 24-27 & 88.	JURORS AND JURIES.	9 Edw. VII., c. 34.
New.	JUVENILE COURTS.	10 Edw. VII., c. 96.
	JUSTICE, administration of, expenses of.	10 Edw. VII., c. 41.
R.S.O. 1897, cc. 86, 89, 93-95.	JUSTICES OF THE PEACE.	10 Edw. VII., c. 35.
	L.	
63 V., c. 14.	LABOUR, Bureau of.	10 Edw. VII., c. 13.
R.S.O. 1897, c. 224, ss. 17 (1), 330 s. 24, 96-98, 100-128.	statute.	4 Edw. VII., c. 25.
R.S.O. 1897, cc. 129; ss. 13, 14, 170, 171, 330, ss. 24, 337, s. 11, 340, s. 8-11, 342.	LANDLORD AND TENANT.	1 Geo. V., c. 37.
R.S.O. 1897, c. 138.	LAND TITLES.	1 Geo. V., c. 28.
R.S.O. 1897, c. 111.	LAW OF ENGLAND, ADOPTED.	10 Edw. VII., c. 45.
R.S.O. 1897, c. 172.	LAW SOCIETY OF UPPER CANADA.	2 Geo. V., c. 26.
R.S.O. 1897, c. 25.	LAW STAMPS.	9 Edw. VII., c. 13.
R.S.O. 1897, c. 125.	LEASES, short forms of.	10 Edw. VII., c. 54.
R.S.O. 1897, c. 12.	LEGISLATIVE ASSEMBLY.	8 Edw. VII., c. 5.
R.S.O. 1897, c. 13.	LIEUTENANT - GOVERNOR AND DEPUTIES.	10 Edw. VII., c. 3.
R.S.O. 1897, c. 68.	LIBEL AND SLANDER.	9 Edw. VII., c. 40.
R.S.O. 1897, c. 232.	LIBRARIES, public.	9 Edw. VII., c. 80.
R.S.O. 1897, c. 245.	LICENSES, liquor.	R.S.O. 1897, c. 245.
R.S.O. 1897, c. 153.	LIENS, méchanic's.	10 Edw. VII., c. 69.
R.S.O. 1897, c. 154.	woodman's.	10 Edw. VII., c. 70.
R.S.O. 1897, cc. 51, s. 58 (1), 72, 133, 146, ss. 1-5, 324, ss. 38-44.	LIMITATION OF ACTIONS.	10 Edw. VII., c. 34.
R.S.O. 1897, c. 284.	LINE FENCES.	3-4 Geo. V., c. 67.
R.S.O. 1897, cc. 39, 245.	LIQUOR LICENSES.	R.S.O. 1897, c. 245.
R.S.O. 1897, c. 205.	LOAN AND TRUST CORPORATIONS.	2 Geo. V., c. 34.
5 Edw. VII., c. 2.	LOANS, provincial.	8 Edw. VII., c. 12.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 223, ss. 385, 433, 664-693.	LOCAL IMPROVEMENTS.	1 Geo. V., c. 58.
R.S.O. 1897, c. 246.	LORD'S DAY, Observance of.	R.S.O. 1897, c. 246.
R.S.O. 1897, cc. 65, 336, ss. 6, 7, 16, 17, 341.	LUNATICS.	9 Edw. VII., c. 37.
R.S.O. 1897, c. 8.	M. MANHOOD SUFFRAGE REGISTRATION.	7 Edw. VII., c. 5.
R.S.O. 1897, c. 162.	MARRIAGE, solemnization of.	1 Geo. V., c. 32.
R.S.O. 1897, c. 44.	MARRIAGES, BIRTHS AND DEATHS, registration of.	8 Edw. VII., c. 28.
R.S.O. 1897, c. 165.	MARRIED WOMEN, conveyances by.	3-4 Geo. V., c. 30.
R.S.O. 1897, c. 163.	property of.	3-4 Geo. V., c. 29.
R.S.O. 1897, c. 157.	MASTER AND SERVANT.	10 Edw. VII., c. 73.
R.S.O. 1897, c. 258.	MATERNITY BOARDING HOUSES.	2 Geo. V., c. 60.
R.S.O. 1897, c. 153.	MECHANICS LIENS.	10 Edw. VII., c. 69.
R.S.O. 1897, c. 176.	MEDICINE AND SURGERY.	R.S.O. 1897, c. 176.
R.S.O. 1897, c. 318.	MENTAL DISEASES, sanitarium for.	3-4 Geo. V., c. 85.
R.S.O. 1897, c. 145.	MERCANTILE LAW AMENDMENT	10 Edw. VII., c. 63.
R.S.O. 1897, c. 309.	MERCER, ANDREW, REFORMATORY.	3-4 Geo. V., c. 78.
New.	METAL REFINING BOUNTIES.	7 Edw. VII., c. 14.
R.S.O., 1897, c. 250, in part.	MILK, production for human consumption.	1 Geo. V., c. 69.
R.S.O. 1897, c. 251, consol. 8 Edw. VII., c. 55.	MILK, BUTTER AND CHEESE.	3-4 Geo. V., c. 59.
R.S.O. 1897, c. 140, part.	MILLS AND MILL DAMS.	9 Edw. VII., c. 61.
R.S.O. 1897, c. 36; consol. 6 Edw. VII., c. 11.	MINING.	3-4 Geo. V., c. 26.
R.S.O. 1897, c. 198.	MINING COMPANIES, construction of roads by.	8 Edw. VII., c. 21.
R.S.O. 1897, c. 161.	MINORS, APPRENTICES AND.	R.S.O. 1897, c. 198.
R.S.O. 1897, c. 247.	MINORS, frequenting billiard rooms.	1 Geo. V., c. 31.
R.S.O. 1897, c. 261.	prevention of use of tobacco by.	2 Geo. V., c. 57.
New.	MONEY LENDERS.	R.S.O. 1897, c. 261.
R.S.O. 1897, c. 323.	MONOPOLIES.	2 Geo. V., c. 30.
R.S.O. 1897, c. 121.	MORTGAGES OF REAL ESTATE.	R. S. O. 1897, c. 323.
R.S.O. 1897, c. 148.	MORTGAGES, chattel.	10 Edw. VII., c. 65.
R.S.O. 1897, c. 126.	short form of.	10 Edw. VII., c. 55.
R.S.O. 1897, cc. 112, 333; consol. 2 Edw. VII., c. 2.	MORTMAIN AND CHARITABLE USES.	9 Edw. VII., c. 58.
3 Edw. VII., c. 27; consol. 6 Edw. VII., c. 46.	MOTOR VEHICLES.	2 Geo. V., c. 48.
R.S.O. 1897, c. 40.	MUNICIPAL AID TO DRAINAGE.	9 Edw. VII., c. 21.
R.S.O. 1897, c. 227.	MUNICIPAL ARBITRATIONS.	3-4 Geo. V., c. 49.
New.	MUNICIPAL CORPORATIONS, supply of electrical power to.	3-4 Geo. V., c. 42.
R.S.O. 1897, c. 226.	MUNICIPAL DRAINAGE.	10 Edw. VII., c. 90.
New.	MUNICIPAL ELECTRIC CONTRACTS.	3-4 Geo. V., c. 42.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
New.	MUNICIPAL FRANCHISES.	2 Geo. V., c. 42.
New.	MUNICIPAL HOUSES OF REFUGE.	2 Geo. V., c. 82.
R.S.O. 1897, c. 223; consol. 3 Edw. VII., c. 19, c. 225.		
6 Edw. VII., c. 31.	MUNICIPAL INSTITUTIONS.	3-4 Geo. V., c. 43.
R.S.O. 1897, c. 199, 200, 234, 235.	MUNICIPAL BOARD, RAILWAY AND.	3-4 Geo. V., c. 37.
63 V., c. 57.	MUNICIPAL LIGHT, HEAT, WATER AND POWER.	3-4 Geo. V., c. 41.
8 Edw. VII., c. 51.	MUNICIPAL SANATORIA FOR CONSUMPTIVES.	3-4 Geo. V., c. 86.
R.S.O. 1897, c. 228.	MUNICIPAL SECURITIES.	3-4 Geo. V., c. 43.
New.	MUNICIPAL AND SCHOOL ACCOUNTS.	R.S.O. 1897, c. 228.
	MUSEUM, ROYAL ONTARIO.	2 Geo. V., c. 80.
	N.	
New.	NAVIGABLE WATERS.	
R.S.O. 1897, c. 259.	bed of.	1 Geo. V., c. 6.
R.S.O. 1897, c. 110.	NEGLECTED CHILDREN, protection of.	3-4 Geo. V., c. 62.
R.S.O. 1897, c. 45.	NIAGARA FALLS, police magistrate at.	10 Edw. VII., c. 44.
R.S.O. 1897, c. 175.	NIAGARA FALLS PARK, QUEEN VICTORIA AND.	10 Edw. VII., c. 21.
R.S.O. 1897, cc. 279, 280.	NOTARIES.	9 Edw. VII., c. 63.
	NOXIOUS WEEDS, prevention of spread of.	2 Geo. V., c. 68.
	O.	
R.S.O. 1897, cc. 276, 277.	OIL WELLS AND NATURAL GAS.	7 Edw. VII., c. 47.
New.	OFFENSIVE WEAPONS, sale of.	1 Geo. V., c. 66.
New.	OFFICE BUILDINGS, See FACTORIES, SHOPS AND	3-4 Geo. V., c. 60.
R.S.O. 1897, c. 20.	OFFICIAL NOTICES, publication of.	9 Edw. VII., c. 7.
New.	ONTARIO COLLEGE OF ART.	2 Geo. V., c. 79.
R.S.O. 1897, c. 9.	ONTARIO ELECTION.	8 Edw. VII., c. 3.
R.S.O. 1897, c. 308.	ONTARIO REFORMATORY.	3-4 Geo. V., c. 77.
R.S.O. 1897, c. 53.	OYER AND TERMINEER GENERAL GAOL DELIVERY AND OF ASSIZE AND NISI PRIUS.	R.S.O. 1897, c. 53.
	P.	
R.S.O. 1897, c. 233.	PARKS, public, in municipalities.	2 Geo. V., c. 46.
R.S.O. 1897, cc. 46, 47.	provincial.	3-4 Geo. V., c. 15.
R.S.O. 1897, c. 45.	Queen Victoria and Niagara Falls.	10 Edw. VII., c. 21.
New.	Queenston Heights.	8 Edw. VII., c. 32.
R.S.O. 1897, c. 123.	PARTITION AND SALE OF REAL ESTATE.	3-4 Geo. V., c. 23.
R.S.O. 1897, c. 151.	PARTNERSHIPS, limited.	10 Edw. VII., c. 67.
R.S.O. 1897, c. 152.	registration of.	10 Edw. VII., c. 68.
R.S.O. 1897, c. 188.	PAWNBROKERS.	1 Geo. V., c. 50.
R.S.O. 1897, cc. 107, 108.	PENALTIES, FINES AND.	7 Edw. VII., c. 26.
R.S.O. 1897, c. 10.	PERSONATION, prompt punishment for.	9 Edw. VII., c. 3.
R.S.O. 1897, c. 280.	PESTS, fruit.	2 Geo. V., c. 69.
10 Edw. VII., c. 99.	PETTY TRESPASSES.	10 Edw. VII., c. 50.
R.S.O. 1897, c. 120.	PHARMACY.	1 Geo. V., c. 40.
R.S.O. 1897, c. 179.	PLANS, city and suburban.	2 Geo. V., c. 43.
New.		

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 98.	POLICE.	
R.S.O. 1897, c. 87.	Dominion Commissioners of.	10 Edw. VII., c. 38.
R.S.O. 1897, c. 110.	POLICE MAGISTRATES.	10 Edw. VII., c. 36.
R.S.O. 1897 c. 272.	at Niagara Falls.	10 Edw. VII., c. 44.
New.	POUNDS AND POUNDKEEPERS.	2 Geo. V., c. 66.
New.	POWER,	
	electrical transmission of.	7 Edw. VII., c. 19.
	municipal corporations, supply of, to .	3 & 4 Geo. V., c. 42.
R.S.O. 1897, c. 116.	POWERS OF ATTORNEY.	10 Edw. VII., c. 47.
R.S.O. 1897, c. 147.	PREFERENCES, ASSIGNMENTS AND.	10 Edw. VII., c. 64.
R.S.O. 1897, c. 2.	PRINTING AND DISTRIBUTION OF THE STATUTES.	7 Edw. VII., c. 3.
R.S.O. 1897, c. 321.	PRISONS AND CHARITIES,	
	inspection of.	3-4 Geo. V., c. 88.
New.	PRIVATE DETECTIVES.	9 Edw. VII., c. 83.
R.S.O. 1897, c. 48.	PRIVY COUNCIL,	
	appeals to.	10 Edw. VII., c. 24; 2 Geo. V., c. 18.
R.S.O. 1897, c. 119.		
330, ss. 5, 10, 14-23, 31-33.	PROPERTY,	
	conveyancing and law of.	1 Geo. V., c. 25.
R.S.O. 1897, c. 163.	married women.	3-4 Geo. V., c. 29.
R.S.O. 1897, c. 111.	PROPERTY AND CIVIL RIGHTS.	10 Edw. VII., c. 45.
63 V., c. 8.	PROVINCIAL AID TO DRAINAGE.	1 Geo. V., c. 12.
5 Edw. VII., c. 2.	PROVINCIAL LOANS.	8 Edw. VII., c. 12.
R.S.O. 1897, cc. 46, 47.	PROVINCIAL PARKS	
	(Algonquin and Rondeau).	3-4 Geo. V., c. 15.
R.S.O. 1897, c. 4.	PROVISIONAL COUNTY OF HAL-	
	BURTON.	9 Edw. VII., c. 2;
R.S.O. 1897, c. 23.	PUBLIC ACCOUNTS,	8 Edw. VII., c. 9;
	audit of.	see also 9 Edw. VII., c. 11.
R.S.O. 1897, cc. 88, 89, 326.	PUBLIC AUTHORITIES PROTECTION.	1 Geo. V., c. 22.
R.S.O. 1897, c. 263.	PUBLIC BUILDINGS.	
	regulating egress from.	1 Geo. V., c. 72.
R.S.O. 1897, cc. 248, 250.	PUBLIC HEALTH.	2 Geo. V., c. 58.
R.S.O. 1897, cc. 28, 29, 30, 33.	PUBLIC LANDS AND FREE GRANTS.	3-4 Geo. V., c. 6.
R.S.O. 1897, c. 232.	PUBLIC LIBRARIES.	9 Edw. VII., c. 80.
R.S.O. 1897, c. 19.	PUBLIC MATTERS,	
	inquiries concerning.	8 Edw. VII., c. 8.
R.S.O. 1897, c. 230.	PUBLIC MEETINGS.	R.S.O. 1897, c. 230.
R.S.O. 1897, c. 16.	PUBLIC OFFICERS,	9 Edw. VII., c. 5.
R.S.O. 1897, c. 18.	fees of certain.	10 Edw. VII., c. 5.
R.S.O. 1897, cc. 88, 89, 326.	protection from vexatious actions.	1 Geo. V., c. 22.
R.S.O. 1897, c. 233.	PUBLIC PARKS IN MUNICIPALITIES.	2 Geo. V., c. 46.
R.S.O. 1897, c. 22.	PUBLIC REVENUE.	9 Edw. VII., c. 9.
R.S.O. 1897, c. 292; consol. 1 Edw. VII., c. 39; 6 Edw. VII., c. 53.		
R.S.O. 1897, c. 15.	PUBLIC SCHOOLS.	9 Edw. VII., c. 89.
R.S.O. 1897, cc. 199, 200, 234, 235.	PUBLIC SERVICE.	3-4 Geo. V., c. 3.
New.	PUBLIC UTILITIES.	
	with respect to railway and other corporations.	3-4 Geo. V., c. 41.
R.S.O. 1897, c. 37.	PUBLIC WORKS.	7 Edw. VII., c. 37.
R.S.O. 1897, c. 155.	payment for labour on.	10 Edw. VII., c. 71.
R.S.O. 1897, c. 38.	riots near.	10 Edw. VII., c. 11.
R.S.O. 1897, c. 134.	PURCHASERS, VENDORS AND.	10 Edw. VII., c. 12.
		16 Edw. VII., c. 58.



R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
<b>Q.</b>		
R.S.O. 1897, c. 45.	QUEEN VICTORIA AND NIAGARA FALLS PARK.	10 Edw. VII., c. 21.
New.	QUEENSTON HEIGHTS PARK.	8 Edw. VII., c. 32.
R.S.O. 1897, c. 135.	QUIETING TITLES.	10 Edw. VII., c. 59.
<b>R.</b>		
R.S.O. 1897, c. 207; consol. 6 Edw. VII., c. 30.	RAILWAYS.	3-4 Geo. V., c. 36.
New.	Public construction and operation of.	3-4 Geo. V., c. 38.
R.S.O. 1897, c. 210.	subsidies to, for the encouragement of the manufacture of railway steel and iron.	R.S.O. 1897, c. 210.
R.S.O. 1897, c. 209; consol. 6 Edw. VII., c. 30.	RAILWAYS, ELECTRIC,	3-4 Geo. V., c. 36.
New.	Hydro-Electric.	3-4 Geo. V., c. 38.
R.S.O. 1897, c. 208; consol. 6 Edw. VII., c. 30.	RAILWAYS, STREET,	3-4 Geo. V., c. 36.
6 Edw. VII., c. 31.	RAILWAY AND MUNICIPAL BOARD.	3-4 Geo. V., c. 37.
New.	RAILWAYS AND OTHER CORPORATIONS,	
	with respect to public utilities, ditches and watercourses.	7 Edw. VII., c. 37.
R.S.O. 1897, c. 286.	REAL PROPERTY,	R.S.O. 1897, c. 286.
R.S.O. 1897, c. 118.	aliens right in.	10 Edw. VII., c. 49.
R.S.O. 1897, c. 123.	REAL ESTATE,	3-4 Geo. V., c. 33.
R.S.O. 1897, c. 306.	partition and sale of.	R.S.O. 1897, c. 306.
New.	RECTORIES.	1 Geo. V., c. 74.
R.S.O. 1897, c. 309.	REFORESTATION BY COUNTIES.	
	REFORMATORY.	3-4 Geo. V., c. 78.
R.S.O. 1897, c. 308.	Andrew Mercer.	3-4 Geo. V., c. 77.
New.	Ontario (Central Prison).	
R.S.O. 1897, c. 311.	REFUGE,	2 Geo. V., c. 83.
New.	district Houses of.	3-4 Geo. V., c. 79.
R.S.O. 1897, c. 44.	female Industrial.	2 Geo. V., c. 82.
	houses of, municipal.	
R.S.O. 1897, c. 44.	REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS.	8 Edw. VII., c. 28.
R.S.O. 1897, c. 8.	REGISTRATION,	7 Edw. VII., c. 5.
	manhood suffrage.	10 Edw. VII., c. 68.
R.S.O. 1897, c. 152.	of partnership.	10 Edw. VII., c. 60.
R.S.O. 1897, c. 136.	REGISTRY OF INSTRUMENTS.	2 Geo. V., c. 81.
R.S.O. 1897, c. 307.	RELIGIOUS INSTITUTIONS,	
R.S.O. 1897, c. 6.	REPRESENTATION IN THE ASSEMBLY.	8 Edw. VII., c. 2.
R.S.O. 1897, c. 66.	REPLEVIN.	9 Edw. VII., c. 38.
New.	REPORTERS,	
	stenographic.	1 Geo. V., c. 44.
R.S.O. 1897, c. 22,	REVENUE,	9 Edw. VII., c. 9.
62 V. (2) c. 14.	public.	7 Edw. VII., c. 9;
	supplementary.	8 Edw. VII., c. 14.
R.S.O. 1897, c. 21.	REVENUE FUND,	8 Edw. VII., c. 10.
	consolidated.	
R.S.O. 1897, c. 38.	RIOTS,	
	near public works.	10 Edw. VII., c. 12.
R.S.O. 1897, c. 142.	RIVERS AND STREAMS.	3-4 Geo. V., c. 26.
R.S.O. 1897, c. 194.	companies for facilitating transmission of timber down.	3-4 Geo. V., c. 34.
R.S.O. 1897, c. 270.	protection of beds of.	2 Geo. V., c. 63.
7 Edw. VII., c. 17.	ROADS,	
	colonization.	3-4 Geo. V., c. 11.
R.S.O. 1897, c. 198.	construction of, by mining companies.	R.S.O. 1897, c. 198.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 237. R.S.O. 1897, c. 193, 239. New.	snow—double tracks in. toll. ROYAL ONTARIO MUSEUM.	2 Geo. V., c. 49. 2 Geo. V., c. 50. 2 Geo. V., c. 80.
S.		
New.	SALE OF OFFENSIVE WEAPONS.	1 Geo. V., c. 66.
63 V., c. 57.	SANATORIA FOR CONSUMPTIVES, municipal.	3-4 Geo. V., c. 86.
R.S.O. 1897, c. 318.	SANITARIA FOR MENTAL DISEASES.	3-4 Geo. V., c. 85.
R.S.O. 1897, c. 186.	SAW LOGS, CULLEES OF.	1 Geo. V., c. 47.
R.S.O. 1897, c. 143.	SAW LOGS, DRIVING.	R.S.O. 1897, c. 143.
R.S.O. 1897, c. 295.	SCHOOL PURPOSES, conveyances to trustees for.	R.S.O. 1897, c. 295.
R.S.O. 1897, c. 292, part; 1 Edw. VII., c. 39, part.	SCHOOL SITES.	9 Edw. VII., c. 93.
New.	SCHOOLS FOR ADOLESCENTS.	2 Geo. V., c. 17.
9 Edw. VII., c. 90.	Continuation.	3-4 Geo. V., c. 72.
R.S.O. 1897, c. 293. consol. 1 Edw. VII., c. 40.	High.	9 Edw. VII., c. 91.
R.S.O. 1897, c. 304.	Industrial.	10 Edw. VII., c. 105.
R.S.O. 1897, c. 228.	accounts, municipal and.	R.S.O. 1897, c. 228.
R.S.O. 1897, c. 303.	mining.	R.S.O. 1897, c. 303.
R.S.O. 1897, c. 292. consol. 1 Edw. VII., c. 39.	Public.	9 Edw. VII., c. 89.
R.S.O. 1897, c. 294.	Separate.	3-4 Geo. V., c. 71.
New.	special classes for backward children.	1 Geo. V., c. 78.
R.S.O. 1897, c. 69.	SEDUCTION.	9 Edw. VII., c. 41.
R.S.O. 1897, c. 294.	SEPARATE SCHOOLS.	3-4 Geo. V., c. 71.
R.S.O. 1897, c. 157.	SERVANT, MASTER AND.	10 Edw. VII., c. 73.
R.S.O. 1897, c. 56.	SESSIONS, GENERAL OF THE PEACE.	9 Edw. VII., c. 30.
R.S.O. 1897, c. 71.	SETTLED ESTATES.	3-4 Geo. V., c. 20.
R.S.O. 1897, c. 271.	SHEEP, protection of.	2 Geo. V., c. 65.
R.S.O. 1897, c. 17.	SHERIFFS.	9 Edw. VII., c. 6.
R.S.O. 1897, cc. 256, 257.	SHOPS, FACTORIES AND OFFICE BUILDINGS.	3-4 Geo. V., c. 60.
R.S.O. 1897, c. 124.	SHORT FORMS OF CONVEYANCES.	10 Edw. VII., c. 53.
R.S.O. 1897, c. 125.	SHORT FORMS OF LEASES.	10 Edw. VII., c. 54.
R.S.O. 1897, c. 126.	SHORT FORMS OF MORTGAGES.	10 Edw. VII., c. 55.
R.S.O. 1897, c. 244.	SHOWS, CIRCUSES AND OTHER EXHIBITIONS.	1 Geo. V., c. 63.
R.S.O. 1897, c. 68.	SLANDER, LIBEL AND.	9 Edw. VII., c. 40.
R.S.O. 1897, c. 112; consol. 2 Edw.		
R.S.O. 1897, c. 240.	SNOW FENCES.	2 Geo. V., c. 52.
R.S.O. 1897, c. 237.	SNOW ROADS, double tracks in.	2 Geo. V., c. 49.
R.S.O. 1897, c. 43. consol. 6 Edw. VII., c. 16.	SOCIETIES, agricultural.	10 Edw. VII., c. 19.
R.S.O. 1897, c. 43. consol. 6 Edw. VII., c. 18.	horticultural.	10 Edw. VII., c. 20.
R.S.O. 1897, c. 174.	SOLICITORS.	2 Geo. V., c. 28.
R.S.O. 1897, c. 25.	STAMPS, LAW.	9 Edw. VII., c. 13.
New.	STALLIONS, enrolment of.	2 Geo. V., c. 67.

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 185.	STATIONARY ENGINEERS, BOARD OF.	1 Geo. V., c. 46.
R.S.O. 1897, c. 224, ss. 17 (1), 30 (2), 96-98, 100-128.	STATUTE LABOUR.	4 Edw. VII., c. 25.
R.S.O. 1897, cc. 146, s. 6-9, 338.	STATUTE OF FRAUDS.	3-4 Geo. V., c. 27.
R.S.O. 1897, c. 331.	STATUTE OF USES.	R.S.O. 1897, c. 331.
R.S.O. 1897, c. 1.	STATUTES, FORM AND INTERPRETATION OF.	7 Edw. VII., c. 2.
R.S.O. 1897, c. 2.	printing and distribution of.	7 Edw. VII., c. 3.
10 Edw. VII., c. 98.	STEAM BOILERS.	3-4 Geo. V., c. 61.
R.S.O. 1897, c. 278.	STEAM THRESHING MACHINES.	R.S.O. 1897, c. 278.
New.	STENOGRAPHIC REPORTERS.	1 Geo. V., c. 44.
R.S.O. 1897, c. 270.	STREAMS,	2 Geo. V., c. 63.
R.S.O. 1897, c. 194.	beds of protection of.	3-4 Geo. V., c. 34.
R.S.O. 1897, c. 142.	companies for facilitating timber down.	3-4 Geo. V., c. 26.
R.S.O. 1897, c. 208; consol. 6 Edw. VII., c. 30.	STREAMS, RIVERS AND.	
New.	STREET RAILWAYS.	3-4 Geo. V., c. 36.
R.S.O. 1897, c. 24; consol. 7 Edw. VII., c. 10.	SUBURBS PLANS, CITY AND.	2 Geo. V., c. 43.
R.S.O. 1897, c. 8.	SUCCESSION DUTIES.	9 Edw. VII., c. 12.
R.S.O. 1897, cc. 90, 91, 92.	SUFFRAGE, MANHOOD, REGISTRATION.	7 Edw. VII., c. 5.
R.S.O. 1897, c. 246.	SUMMARY CONVICTIONS AND PROCEDURE.	10 Edw. VII., c. 37.
62 V. (2) c. 14.	SUNDAY,	R.S.O. 1897, c. 246.
New.	Lord's Day Observance.	8 Edw. VII., c. 14.
R.S.O. 1897, c. 49.	SUPPLEMENTARY REVENUE.	7 Edw. VII., c. 9.
R.S.O. 1897, c. 51.	mines.	
R.S.O. 1897, c. 184.	SUPREME COURT AND EXCHEQUER COURT OF CANADA.	10 Edw. VII., c. 25.
R.S.O. 1897, c. 176.	SUPREME COURT OF JUDICATURE.	3-4 Geo. V., c. 19.
R.S.O. 1897, c. 59.	SURGEONS,	
R.S.O. 1897, c. 181.	veterinary.	1 Geo. V., c. 45.
R.S.O. 1897, c. 180.	SURGERY, MEDICINE AND.	R.S.O. 1897, c. 176.
R.S.O. 1897, c. 117.	SURROGATE COURTS.	10 Edw. VII., c. 31.
	SURVEYING.	1 Geo. V., c. 42.
	SURVEYORS.	1 Geo. V., c. 41.
	SWARM OF BEES,	
	property in.	10 Edw. VII., c. 48.
	T.	
R.S.O. 1897, cc. 122, 330, ss. 17-19, 34, 35.	TAIL, ESTATES.	10 Edw. VII., c. 52.
R.S.O. 1897, c. 192.	TELEGRAPH COMPANIES.	R.S.O. 1897, c. 192.
8 Edw. VII., c. 49.		
10 Edw. VII., cc. 84 and 92.	TELEPHONE SYSTEMS.	2 Geo. V., c. 38.
2 Edw. VII., c. 9.	TEMISKAMING AND NORTHERN ONTARIO RAILWAY.	7 Edw. VII., c. 18.
R.S.O. 1897, cc. 129, (ss. 13, 14), 170, 171, 337 (s. 11), 340 (ss. 8-11 342).	TENANT, LANDLORD AND.	1 Geo. V., c. 37.
New.	TERRITORIAL DISTRICTS,	3-4 Geo. V., c. 82.
R.S.O. 1897, c. 3.	court houses in.	10 Edw. VII., c. 2.
New.	TERRITORIAL DIVISIONS FOR MUNICIPAL AND JUDICIAL PURPOSES.	1 Geo. V., c. 73.
	THEATRES, HALLS AND CINEMA-TOGRAPHS.	

R.S.O. 1897, and subsequent Acts thereto.	Subject Matter of Act.	Where now to be found.
R.S.O. 1897, c. 265 R.S.O. 1897, c. 278. R.S.O. 1897, c. 41.	THRESHING MACHINES, prevention of accidents from steam. TILE, STONE AND TIMBER DRAIN-AGE, aid to.	R.S.O. 1897, c. 265. R.S.O. 1897, c. 278. 9 Edw. VII., c. 22. 3-4 Geo. V., c. 8. 3-4 Geo. V., c. 34.
R.S.O. 1897, c. 32. R.S.O. 1897, c. 194. R.S.O. 1897, c. 144.	TIMBER, CROWN. TIMBER SLIDES COMPANIES. TIME, legal meaning of expressions relative to.	10 Edw. VII., c. 62. R.S.O. 1897, c. 305.
R.S.O. 1897, c. 305. R.S.O. 1897, c. 137.	TITHES. TITLE DEEDS, custody of.	1 Geo. V., c. 27.
R.S.O. 1897, c. 133.	TITLES, . land.	1 Geo. V., c. 28.
R.S.O. 1897, c. 135. R.S.O. 1897, c. 261.	quieting. TOBACCO, prevention of use by minors.	10 Edw. VII. c. 59. R.S.O. 1897, c. 261.
R.S.O. 1897, cc. 193 (ss. 60, 74, 75, 76), 238 (s. 5).	TOLL, exemption from.	2 Geo. V., c. 51.
R.S.O. 1897, cc. 193, 239.	TOLL ROADS.	2 Geo. V., c. 50.
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26.	Algoma Land Tax .....	7 Edw. VII., c. 9, s. 23.
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3-4 George V., 1913.

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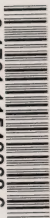


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